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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 23, No. 1 January, 1940

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MINUTES OF THE WEST FLORIDA ASSEMBLY[1]

(Sessions: August 23-October 21, 1768; January 25-February 2, 1769; May 22-June 29, 1769)

Edited by JAMES A. PADGETT

(SESSION: AUGUST 23—OCTOBER 21, 1768)

Tuesday August 23rd. 1768

Present Francis Poussett Esquire Speaker, Mr. Comyn, Mr. Gordon, Mr. Blommart, Mr. McHenry, Mr. Urguhart, Mr. James Ross, Mr. Smith.

The Assembly being met according to Proclamation Mr. Blommart and Mr. Gordon waited on his honor and acquainted him therewith, who returning reported that his honor said he would send his Secretary to the House.

Mr. Crozer attending being called in Mr. Speaker Mr. Ross and Mr. Gordon by virtue of the Dedimus to them granted administered to him the Usual Oaths who took the same and made and subscribed the Declaration.

The following Message was received from his honor by his Secretary Vizt.

Mr. Speaker and Gentlemen of the Assembly: Having lately been informed by Letter from the Commander in Chief and by Brigadier General Haldiman of their Order to withdraw the Troops from this Province leaving only Three Companies for it's Security,

[1] Copied from the original in the West Florida Papers, Library of Congress. This document is in a bound volume, but the handwriting is not very legible. On the outside of the volume is found the erroneous label: "Minutes of the Upper House of West Florida." The Assembly was the *lower* and not the *upper* house of the Colonial Legislature of West Florida.

and the intire abandoning the Ports on the River Mississippi which even now Subjects the Settlers there to the mercy of the Indians, I have therefore called you together to consider on the most proper measures to be taken at this Crucial Juncture and doubt not but you will most readily concur in making a Suitable representation to his Majesty of the present State of the Colony and of the Danger apprehended from the removal of these Troops.

(Sign'd) Montfort Browne.

Motion was made and agreed to that the House resolve itself into a Committee of the whole House to take into Consideration the Message received from his Honor.

The House accordingly resolved itself into such Committee, and after some time spent therein Mr. Speaker resumed the Chair and Mr. Ross from the Committee reported that they had come to several resolutions, and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received.

The same were accordingly received and read and are as follows Vizt.

Resolved 1st. That it is the Opinion of this Committee that an humble Address be prepared to his Majesty setting forth the unhappy situation to which this Province will be reduced from the removal of the Troops, and praying for his Majesty's Protection.

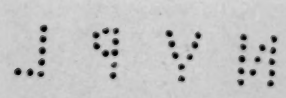
Resolved 2d. That at the same Time a Memorial be prepared and addressed to the right Honorable Earl of Hilsborough his Majesty's Principal Secretary of State for America setting forth the present State and importance of this Province to Great Britain the fatal Consequences which will inevitably arise from the removal of his Majesty's Troops from the Protection of our Trade and Settlements; and praying the Aid and assistance of our Mother Country.

Resolved 3d. That it is the Opinion of this Committee that the Council be requested to join the House in the said Address and Memorial.

Resolved that the House do agree to the foregoing Resolutions.

Resolved that the following Message be sent to the Council:

May it please your honors, I am Ordered by the House to acquaint your honors that they have come to the following Resolutions:



That an humble Address be prepared to his Majesty setting forth the unhappy situation to which this Province will be reduced by the Removal of the Troops, and praying for his Majesty's Protection.

That at the same time a Memorial be prepared and Addressed to the Right Honorable the Earl of Hilsborough his Majesty's Principal Secretary of State for America setting forth the present State and Importance of this Province to Great Britain the fatal Consequences which will inevitably arise from the removal of his Majesty's Troops from the Protection of our Trade and Settlements, and praying the Aid and assistance of our Mother Country, And desire to know if your honors will be pleased to join them in the Address and Memorial proposed— And a Committee of the House will attend a Committee of your honors at such Time and place as your honors shall be pleased to appoint.

Ordered that Mr. McHenry do wait upon their honors with the same, who returning reported the delivery thereof.

Resolved that the following Message be sent to his honor:

May it please your honor, We are ordered by the House to acquaint your honor That in Consequence of the Message received from your honor this Morning they have come to a resolution to present an humble Address to his Majesty praying his Protection for this Province, as also a Memorial to the Right honorable the Earl of Hilsborough setting forth the present State of this Colony And request that your honor will be pleased to detain the Packet for Twenty four hours, as they cannot possibly prepare the same in a Shorter Time.

Ordered that Mr. Comyn and Mr. Crozer do wait upon his honor with the same who returning reported the delivery thereof, And that His Honor was pleased to say that he would detain the Packet accordingly.

The following Message received from the Council:

Mr. Speaker, In answer to the Message of your House desiring this House to join them in preparing an Address to his Majesty setting forth the unhappy situation to which this Province will be reduced by the removal of the Troops and praying for his Majesty's Protection and at the same Time a Memorial to the Right honorable the Earl of Hilsborough His Majesty's Principal Secretary of State on the present State and Importance of this Province This House do agree to join them in preparing the said Address and Memorial

and have appointed a Committee accordingly to meet a Committee of your House to Confer with them thereon in the Room adjoining the Council Chamber at Five this afternoon. Committee, Mr. Hodge, Mr. Moore, and Mr. Neil.

Ordered that Mr. Urguhart, Mr. Gordon, Mr. Comyn and Mr. James Ross, be a Committee to attend the Committee of the Council this Evening at 5 o'Clock.

The House adjourned till 7 o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Wednesday August 24th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Urguhart, Mr. James Ross, Mr. Gordon, Mr. Comyn, Mr. McHenry, Mr. Crozer, Mr. Smith, Mr. Blommart.

The Minutes of Yesterday were read.

Mr. Ross from the Joint Committee for preparing an humble Address to his Majesty and a Memorial to the Right honorable the Earl of Hilsborough Reported that they had prepared the same, and desired to know when the House would be pleased to receive the said Address and Memorial.

Ordered that the same be now received and read.

The same being read accordingly was agreed unto by the House, and are as follows Vizt.

To the Right Honorable the Earl of Hillsboro His Majesty's Principal Secretary of State for America.

The Memorial of the Council and Assembly of His Majesty's Province of West Florida. Humbly sheweth:

That upon the Cession of this Country to the Crown of Great Britain many of His Majesty's Subjects were induced to become Settlers therein from its advantageous Situation for the purpose of Agriculture and carrying on an extensive Trade, depending on that encouragement and protection which has always been afforded to an Infant Colony.

That the Inhabitants by their great distance from the Mother Country and His Majesty's other Colonies on the Continent from whom they can only receive Supplies the Conciliating the Natives

of the Country to their establishment and the Numerous difficulties incident to a new Settlement have had as many Obstacles to surmount as any Province ever had in America.

In less than four years from the commencement of the Civil Government the Houses, Stores, Wharfs and other Improvements made in the Town of Pensacola have Cost the Inhabitants upwards of Sixty Thousand Pounds Sterling and many valuable Settlements have been made in the Neighbourhood of said Town, and in and about the Town and Bay of Mobile.

Considerable Tracts of Land have been granted in many parts of the Province particularly on the Mississippi to able Planters, some of whom have at great Expence begun to settle and others are expected from Virginia, Pensilvania, and elsewhere who have given Security here for the Settlement thereof.

That for these three years last past there has been imported into this Province British Manufactures to the value of Eighty Thousand Pounds Sterling per Annum, great part of which has been taken off by Foreigners, a Trade of the utmost advantage to this Province and the Mother Country.

The Trade carried on with the Indians from the different parts of the Province is very considerable, and the Duties on the Returns to Great Britain have been nearly equal to the Sum allowed by the Government towards the Support of it.

For the Protection of this Trade and of the Settlers on the Mississippi (the most fertile part of the Province) and Securing the Returns of the Fur Trade from the Illinois it was Judged absolutely necessary to fix Out Posts on that River attended with much difficulty and Expence which measure has been found effectually to answer these purposes.

Your Memorialists beg leave to lay before Your Lordship that at a Time when they were just emerging from the many difficulties which they had hitherto encountered and had the fairest prospect of the speedy settlement of the Country and encrease of Trade both Foreign and Domestick reaping the advantages of their Labour and Industry and of soon becoming of Importance to the Mother Country: An Order arrived from the Commander in Chief in America to abandon the Posts on the River Mississippi, and to Embark for East Florida the whole of the Troops (except three Companies). This unexpected Order has justly alarmed the Inhabitants who apprehend that being left exposed to the cruel and

Savage dispositions of the Numerous Nations of Indians surrounding them they must shortly abandon their Habitations in Order to preserve their Lives, whereby many unhappy Families will be ruined and exposed to Want and Misery.

Your Memorialists further beg leave to lay before your Lordship the Fatal and Unhappy Consequences which they too justly dread will ensue from this Removal of His Majesty's Troops.

The Neighbouring Nations of Indians have for some time past been engaged in War with each other, they are now Mediating a Peace which it is expected will soon be concluded the Consequences whereof will be that they will come down to the Towns in large Bodies, which is usual and demand very considerable presents, these demands will be more extravagant when they perceive our defenceless State, and if not immediately gratified to their utmost wishes, they will instantly attack our Settlements and Committ the most horid Cruelties, Insults and Barbarities on them.

The several Nations of Indians surrounding this Province are reckoned to consist of about Seven Thousand Fighting Men, Treacherous and faithless and have hitherto only been awed by the Respectable Force maintained in the Province; for at Times when they have been making the Strongest Declarations of Friendship, the Inhabitants have often been insulted and plundered by them in the very Neighbourhood of the Towns. What then will be our Situation when left Unprotected is humbly submitted to Your Lordship.

The abandoning the Posts on the Mississippi will immediately occasion a Total loss of the valuable Indian Trade which we have hitherto enjoyed and might Daily increase: That Trade so beneficial to the Manufactures of our Mother Country, will instantly fall into the Hands of the French at New Orleans, who conscious of the value will lose no opportunitys of regaining it.

They have been for sometime passed remarkably assiduous in alienating the affections of the Choctaws from our Interest and the more effectually to succeed they imploy French Officers reforme's as Interpreters whose knowledge of Indian affairs, Adress and methods of managing the Savages is much Superior to ours.

The Misfortunes and Ruin of the Settlers and Indian Traders will be severly felt by the Merchants in this Province and in it's Consequences will of course extend to those in Great Britain interested in the Trade of this Country. The Loss of all Credit and

Trade must ensue to which will be added an Annihilation of the Value of private Property wherein so considerable Sums have been expended particularly at Pensacola.

Your Memorialists beg leave to Submit to Your Lordship's consideration the present State and Importance of this Colony to Great Britain and the unhappy Circumstances to which it will be reduced by the removal of His Majesty's Troops and do most humbly beg your Lordship's protection and that you will be pleased to represent our Case to His Majesty and obtain for us that aid and assistance so necessary for our Preservation and which his Majesty has always been most graciously pleased to extend to the meanest of His Subjects in the most distant parts of His Dominions.

Resolved that the same do pass.

Ordered that Mr. Ross and Mr. Gordon be a Committee to carry up the above Address and Memorial to the Council and desire their Concurrence thereto, who returning reported the delivery thereof, and that the Council agreed to the same.

The Council and the House jointly agreed upon the following Address to his Honor and waited upon him accordingly therewith:

West Florida. May it please your Honor, We His Majesty's most Dutifull and loyal Subjects the Council and Commons House of Assembly of the said Province in General Assembly met In Obedience to your Honors Message Yesterday delivered to us acquainting us with the Orders received for withdrawing the Troops Station'd in this Province and desiring our Concurrence in making a Suitable Representation to His Majesty and Lord Lillsborough of the present State of the Colony have accordingly prepared an humble and Dutiful Address to His Most gracious Majesty thereon and likewise a Memorial to the Right Honorable the Earl of Hilsborough and desire that your Honor will be pleased to transmit the same to his Lordship by the present opportunity.

We beg leave Sir on this Occasion to return your Honor Our Sincere Thanks for this your attention to the welfare and Interest of this Province and to assure your Honor that we shall at all Times concur with you in every measure that may tend to the benefit and advantage of this Infant Colony.

Upon which His Honor was pleased to Answer that he would do his utmost to forward the success of the said Address and Memorial.

Ordered that Mr. Speaker do write a Letter to Samuel Hannay Esquire of this Province inclosing him a Copy of the said Memorial.

The House adjourned till Nine o'Clock tomorrow morning.

Frans. Poussett Speaker.

Thursday August 25th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Comyn, Mr. Gordon, Mr. McHenry, Mr. James Ross, Mr. Crozer, Mr. Blommart, Mr. Smith.

The Minutes of Yesterday were read.

Mr. Speaker laid before the House a Copy of a Letter which he had wrote to Samuel Hannay Esquire Agent for this Province according to Order of the House.

Motion was made and agreed to that the House do request a free Conference with the Council in Order to concert measures necessary to be taken for the Safety Welfare and encouragement of this Province and it's Inhabitants.

Resolved that the following Message be sent to the Council:

May it please your honors, I am Ordered by the House to acquaint your Honors that they desire to have a free Conferrence with your honors to concert measures to be taken for the safety Welfare and encouragement of this Province and it's Inhabitants.

Ordered that Mr. McHenry do wait upon their honors with the same who returning reported the delivery thereof.

A Petition from Jeremiah Terry & Company was received and read— Setting forth that some time in the Month of November last they sent a Vessel to New Orleans to get Money due to them there: in part payment of which they received Ten Thousand Three hundred and Seventy two feet of Boards and Sixteen Thousand Shingles which did not arrive till after the Time limitted by the "Act for granting certain Duties to His Majesty on all Lumber and other Materials for Building Imported into this Province from Foreign Parts," was expired. Therefore prayed for relief.

Ordered that the above Petition be referred to the Committee of Grievances. That they enquire into the Truth of the Allegations therein set forth, And make a Report thereof to the House accordingly.

Ordered that Mr. James Ross, Mr. Crozer and Mr. Gordon or either of them be a Committee to Examine and settle the Minutes of the House.

The House adjourned till Nine o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Friday August 28th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Crozer, Mr. James Ross, Mr. McHenry, Mr. Urguhart, Mr. Smith, Mr. Gordon, Mr. Blommart, Mr. Comyn.

The Minutes of Yesterday were read.

Ordered that the Treasurer do lay a State of the Public Accounts before the House.

By desire of His Honor the Lieutenant Governor, The House adjourned untill Tuesday the Fourth Day of October next.

Frans. Poussett Speaker.

Tuesday October 4th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. James Ross, Mr. Urguhart, Mr. Smith, Mr. Crozer, Mr. Gordon, Mr. Comyn.

Mr. Lorimer attending being called in Mr. Speaker Mr. Ross and Mr. Gordon by virtue of Dedimus to them granted administered to him the usual Oaths who took the same, and made and subscribed the Declaration.

A motion was made and agreed to that a Bill be brought in Inflicting and Imposing Penalties upon any Person or Persons that shall Publish and Declare that the Acts of the General Assembly of the Province of West Florida are not of Force.

Motion was made and agreed to that a Bill be brought in for Granting Certain Duties to His Majesty on all Lumber and other Materials for Building imported into this Province.

Motion was made and agreed to that a Bill be brought in to Prevent Dangers by Fire and other accidents in the Town and Streets of Pensacola.

The above Bills were presented and Read the first Time.

Ordered that the same be Read a Second Time tomorrow.

The following Bills which last Session passed this House only were ordered to be brought in And were Read a first Time Vizt.

"An Act for Regulating Taverns or Public Houses and to Repeal An Act for granting Licences to Retailers of Spirituous Liquors Imposing a Duty on said Licences and for Regulating Taverns or Public Houses."

"An Act to prevent Fraudulent Bills of Sale or Conveyances of Lands and Tenements or any other Estate Real or Personal."

Ordered that the same be Read a Second Time tomorrow.

The House adjourned till Ten o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Wednesday October 5th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Smith, Mr. Urguhart, Mr. Crozer, Mr. Comyn, Mr. Gordon, Mr. James Ross, Mr. Lorimer.

The Minutes of Yesterday were Read.

The following Bills were Read a Second Time.

The Bill intitled "An Act Inflicting and Imposing Penalties upon any Person or Persons that shall Publish and declare that the Acts of the General Assembly of the Province of West Florida are not of Force."

The Bill intitled "An Act for granting certain Duties to His Majesty on all Lumber and other Materials for Building imported into this Province."

The Bill Intitled "An Act for Regulating Taverns or Public Houses and to Repeal An Act for Granting Licences to Retailers of Spirituous Liquors Imposing a Duty on said Licences and for Regulating Taverns and Public Houses."

The Bill intitled "An Act to prevent Fraudulent Bills of Sale or Conveyances of Lands & Tenements or any other Estate Real or Personal."

Ordered that the said Bills be Committed.

Motion was made and agreed to that a Bill be brought in for the Security of all Persons who shall give Credit, in or to this Province.

The said Bill was presented and Read the first Time.

Ordered that the same be Read a Second Time tomorrow.

Agreable to Order the Treasurer laid before the House a State of the Public Accounts.

Ordered that Mr. Urguhart, Mr. James Ross, Mr. Gordon, Mr. Lorimer and all such Members as may choose to attend be a Committee to Examine the Public Accounts and make a Report to the House And that they have power to send for Persons Papers and Records.

The House adjourned till Ten o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Thursday October 6th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. James Ross, Mr. Gordon, Mr. Crozer, Mr. Comyn, Mr. Smith, Mr. Lorimer, Mr. Urguhart.

The Minutes of Yesterday were Read.

The Bill intitled "An Act for the Security of all Persons who shall give Credit in or to this Province," was Read a Second Time.

Ordered that the said Bill be Committed.

Motion was made and agreed to that a Bill be brought in for Quitting Possessions.

The said Bill was presented and Read a first Time.

Ordered that the same be Read a Second Time tomorrow.

The House Resolved itself into a Committee upon the following Bills Vizt.

A Bill intitled "An Act for Granting certain Duties to His Majesty on all Lumber and other Materials for Building Imported into this Province."

A Bill intitled "An Act Inflicting and Imposing Penalties upon any Person or Persons that shall Publish and declare that the Acts of the General Assembly of the Province of West Florida are not of Force."

And after some Time spent therein Mr. Speaker resumed the Chair And Mr. Lorimer from the Committee reported that they had gone through the Bill intitled "An Act for Granting certain Duties to His Majesty on all Lumber and other Materials for

Building Imported into this Province," And had made Several Amendments thereto and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received and Read.

The same was Received and Read accordingly.

Resolved that the House do agree to the said Amendments.

Mr. Lorimer further Reported that they had gone through the Bill intitled "An Act Inflicting and Imposing Penalties upon any Person or Persons that shall publish and declare That the Acts of the General Assembly of the Province of West Florida are not of Force," And had agreed thereto without Amendments.

Ordered that the said Bills be Ingrossed and Read a Third Time.

The House adjourned till Ten o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Friday October 7th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Gordon, Mr. Smith, Mr. Crozer, Mr. Comyn, Mr. Urguhart, Mr. James Ross, Mr. Lorimer.

The Minutes of Yesterday were Read.

Motion was made for leave to bring in a Bill for Electing Vestries for the Districts of Pensacola and Mobile agreable to the practice in other Colonies.

Ordered that a Bill be brought in to the above purpose, And that Mr. Lorimer, Mr. James Ross and Mr. Urguhart be a Committee to prepare and bring in the same.

The House adjourned till Ten o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Saturday October 8th. 1768

The House met according to Adjournment.

Present Mr. Speaker, Mr. Smith, Mr. Crozer, Mr. James Ross, Mr. Lorimer, Mr. Gordon, Mr. Urguhart, Mr. Crozer (?).

The Minutes of Yesterday were Read.

The Engrossed Bill intitled "An Act Inflicting and Imposing Penalties upon any Person or Persons That shall Publish and declare that the Acts of the General Assembly of the Province of West Florida are not of Force," was Read a Third Time.

Resolved that the same do Pass.

Ordered that Mr. Speaker do Sign the same.

Mr. Lorimer from the Committee appointed to prepare a Bill for the Electing Vestries for the Districts of Pensacola and Mobile agreable to the practice in other Colonies Reported that they had prepared a Bill for the above purpose which they had directed him to Report when the House would be pleased to receive the same.

Ordered that the same be now received.

The same was accordingly received and Read a first Time.

Ordered that the same be read a Second Time.

The same was Read a Second Time.

Ordered that the same be Committed.

A Motion was made that as through various Accidents the Inhabitants of Campbell Town had removed from that Township to other parts of the Province And as by the Act for Appointing the Members of the Assembly and regulating Elections Two Representatives were appointed to be chosen for said Township. That leave be given for bringing in a Bill for the Electing Ten Representatives for the District of Pensacola (including the said Two for Campbell Town) in every future General Election untill such time as the said Township be repeopled And that all Persons who had a Right to Vote for Campbell Town should be intitled to vote for the District of Pensacola.

Ordered that a Bill be brought in accordingly.

Mr. Urguhart then informed the House that he had prepared a Bill to the above purpose and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received & Read.

Then Mr. Urguhart presented the said Bill intitled "An Act for appointing Ten Representatives for the Town and District of Pensacola including the Township of Campbell Town," which was Read accordingly.

Ordered that the same be Read a Second Time.

The same was Read a Second Time.

Ordered that the same be Engrossed and Read a third Time.

A Motion was made by Mr. James Ross That a certain Clause in an Act passed in the Second Session of the First Assembly intitled "An Act Impowering the Marshalls and Freeholders of Charlotte County occasionally to prohibit the Selling of Rum or other Liquors to the Indians," That persons Suspected of Offending against that Act are obliged to take an Oath whether they have Offended against the Act or not And if they refuse to take the same they are liable to incur the penalties thereby enacted: That he apprehends the Clause of the said Act is quite contrary to the Spirit of the Laws of England especially that established Maxim in Law Nemo teneatur seipsum Accusare, And prayed that the said Act might be Read and taken into Consideration.

Upon which a Debate arose and being put to the Vote It was Ordered that the said Act should stand without alteration.

The House Resolved itself into a Committee upon the Bill intitled "An Act for the better Regulation of Taverns or Public Houses and to Repeal An Act for Granting Licences to Retailers of Spirituous Liquors imposing a Duty on said Licences and for Regulating Taverns or Public Houses; And after some time spent therein Mr. Speaker resumed the Chair And Mr. Lorimer from the Committee Reported that they had made several Amendments in the said Bill which they had directed him to Report when the House would be pleased to receive the same.

Ordered that the Report be now made.

Mr. Lorimer in his place Read the Amendments and delivered them in at the Table, where they being again Read by the Clerk were agreed unto by the House.

Ordered that the said Bill with the Amendments be Engrossed and that the Title thereof be, "An Act for the better regulating Taverns and Public Houses and for Repealing An Act of the General Assembly of this Province entitled An Act for Granting Licences to Retailers of Spirituous Liquors imposing a Duty on said Licences and for Regulating Taverns and Public Houses."

Mr. Speaker acquainted the House that the House had leave from his Honor to adjourn till Monday the Seventeenth Instant.

Ordered that the Orders of the Day be adjourned over untill Monday the Seventeenth Instant.

The House adjourned till Monday the Seventeenth Instant.

Frans. Poussett Speaker.

Monday October 17th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Blommart, Mr. Smith, Mr. Gordon, Mr. James Ross.

The House adjourned till Eight o'Clock tomorrow morning.

Tuesday October 18th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Gordon, Mr. James Ross, Mr. Urguhart, Mr. Blommart.

The House adjourned till Ten o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Wednesday October 19th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. James Ross, Mr. Smith, Mr. Urguhart, Mr. Comyn, Mr. Blommart, Mr. Lorimer, Mr. Gordon.

Mr. Lizars and Mr. Daniel Ward attending being called in Mr. Speaker, Mr. Ross, and Mr. Gordon by virtue of a Dedimus to them granted administered to them the Usual Oaths, who took the same and made and Subscribed the Declaration.

The Engrossed Bills following were Read a Third Time Vizt.

A Bill intitled "An Act for granting certain Duties to His Majesty on all Lumber and other materials for Building imported into this Province."

A Bill intitled "An Act for the better Regulation of Taverns and Public Houses and for Repealing An Act of the General Assembly of this Province entitled An Act for granting Licences to Retailers of Spirituous Liquors Imposing a Duty on said Licences and for Regulating Taverns and Public Houses."

A Bill entitled "An Act for appointing Ten Representatives for the Town and District of Pensacola including the Township of Campbell Town."

Resolved that the said Bills do Pass.

Ordered that Mr. Speaker do Sign the same.

The House Resolved itself into a Committee upon the Bill entitled "An Act for Appointing Vestries and Parish Officers for the Towns of Pensacola & Mobile," and after some time spent therein Mr. Speaker resumed the Chair and Mr. Lorimer from the Committee Reported that they had gone through the same and had made several Amendments thereto which they had directed him to report when the House would be pleased to receive the same.

Ordered that the same be now received and Read.

Then Mr. Lorimer in his place Read the said Amendments, which being again Read by the Clerk were agreed unto by the House.

Ordered that the said Bill with the Amendments be Engrossed, and Read a Third Time.

The House then adjourned till Nine o'Clock tomorrow morning.

Frans. Poussett Speaker.

Thursday October 20th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Smith, Mr. James Ross, Mr. Gordon, Mr. Daniel Ward, Mr. Lizars, Mr. Lorimer, Mr. Urguhart.

The Minutes of Yesterday were Read.

The Engrossed Bill entitled "An Act appointing Vestries and Parish officers for the Towns of Pensacola and Mobile," was Read a Third Time.

Resolved that the said Bill do Pass.

Ordered that Mr. Speaker do Sign the same.

The House Resolved itself into a Committee upon the following Bills Vizt.

A Bill entitled "An Act for the Security of all Persons who shall give Credit in or to this Province."

A Bill entitled "An Act for Quitting Possessions."

And after some time spent therein Mr. Speaker resumed the Chair and Mr. Lorimer from the Committee Reported they had gone through the same without making any Amendments thereto.

Ordered that the said Bills be Engrossed and Read a Third Time.

The said Bills being ready Engrossed were Read a Third Time.

Resolved that the same do Pass.

Ordered that Mr. Speaker do Sign the same.

Ordered that Mr. Urguhart and Mr. James Ross be a Committee to carry up the following Bills Vizt.

A Bill entitled "An Act for the Security of all Persons who shall give Credit in or to this Province."

A Bill entitled "An Act for appointing Ten Representatives for the Town and District of Pensacola including the Township of Campbell Town."

A Bill entitled "An Act for Granting certain Duties to His Majesty on all Lumber and other Materials for Building imported into this Province."

A Bill entitled "An Act for Quitting Possessions."

A Bill entitled "An Act for the better Regulation of Taverns and Public Houses and for Repealing an Act of the General Assembly of this Province entitled An Act for granting Licences to Retailers of Spirituous Liquors Imposing a Duty on said Licences and for Regulating Taverns and Public Houses."

A Bill entitled "An Act Inflicting and Imposing Penalties upon any Person or Persons that shall Publish and declare that the Acts of the General Assembly of the Province of West Florida are not of Force."

A Bill entitled "An Act appointing Vestries and Parish officers for the Towns of Pensacola and Mobile."

To the Council and desire their Concurrence to the same who returning Reported the delivery thereof.

A Motion was made that a Committee be appointed to inspect the Courts of Justice in this Province.

Ordered that Mr. Lorimer Mr. Lizars and Mr. Urguhart be a Committee for the above purpose: with all such Members as may chuse to attend.

Motion was made that George Urguhart and Thomas Strothers Esquires be appointed Comptrollers of the Country Duties at Pensacola and Mobile.

Ordered that an Ordinance be prepared for the above purpose and that Mr. Lorimer and Mr. Daniel Ward be a Committee to prepare and bring in the same.

Resolved Unanimously that Mr. Speaker do in the Name of the House return Thanks to George Johnstone Esquire Our late Governor for his just representations of the State and Importance of this Province and his endeavours to obtain that Aid Attention and Encouragement from the Mother Country which it so justly merits and request the Continuance of his Patronage.

Ordered that the Committee of Correspondence do transmit the above Resolution, and Mr. Speakers Letter thereupon to Samuel Hannay Esquire Agent for this Province.

The House adjourned till Five o'Clock this Evening.

Frans. Poussett Speaker.

Thursday 5 o'Clock October 20th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Gordon, Mr. Smith, Mr. James Ross, Mr. Daniel Ward, Mr. Lorimer, Mr. Lizars, Mr. Urguhart.

Mr. Lorimer according to Order presented an Ordnance for appointing Comptrollers for the Country Duties at Pensacola and Mobile, Which was Read a first Time.

Ordered that the same be Read a Second Time.

The said Ordnance was Read a Second Time.

Ordered that the same be Engrossed and Read a third Time.

Mr. Lizars from the Committee appointed to inspect into the Courts of Justice in this Province, Reported that it is the Opinion of the Committee that the General Court of Pleas should prosecute According to Law the Custors Rotulorum and Senior Justice or Justices who do not in their Respective Districts or Counties hold their Sessions of the Peace in every Quarter of the Year Except at Pensacola where the Justices shall hold their General Sessions Twice in the Year only as is practiced in the County of Middlesex and that the Time appointed for such Sessions shall be the First Tuesday in the Months of January and July: Provided that all Persons on Indictments of Assault and Battery or any other wherein Life is not concerned shall be bound over to the Quarter Sessions or to the said General Sessions at Pensacola only.

It is likewise the Opinion of this Committee that from various Arguments, and particularly from the Representations of the

Members for Mobile it appears highly expedient that Francis Poussett Esquire be appointed Assistant Judge and that he shall Act as Custos Rotulorum or Senior Justice for Mobile.

Resolved that the House do agree to the said Resolutions.

The House adjourned till Nine o'Clock tomorrow morning.

Frans. Poussett Speaker.

Friday October 21st. 1768

The Time for which the Members were Elected being this Day expired the Assembly was desolved.

Frans. Poussett Speaker.

(SESSION: JANUARY 25—FEBRUARY 2, 1769)

Wednesday January 25th. 1769

Present Edmund Rush Wegg Esq'r, Major Farmar, Mr. Gauld, Mr. Urguhart, Mr. Waugh, Mr. Martin, Doctor Lorimer, Mr. James Ross, Mr. Aird, Mr. Blommart, Mr. Campbell.

The Members of the Assembly being met according to the Writs of Election Mr. Ross and Mr. Urguhart waited on His Honor and acquainted him therewith and soon after The Honorable Elias Durnford David Hodge and Alexander Moore Esquires Three of His Majesty's Council attended by their Clerk came to the House and Administered the Usual Oaths to the Members who took the same and made and subscribed the Declaration: And then the said Gentlemen of the Council informed the Members that His Honor in His Majesty's Name had ordered them to Command the House to Proceed to the Choice of a Speaker immediately.

Then the House unanimously chose Edmund Rush Wegg Esquire their Speaker and thereupon he was conducted to the Chair.

Ordered that Mr. Gauld and Mr. Waugh attend His Honor and acquaint him that the House have made choice of a Speaker and desire to know when they shall attend his Honor to present him: Who returning reported the delivery thereof and that his Honor was pleased to say when the House pleased Whereupon the House attended and presented their Speaker who being approved of

demanded in the Name of the House the Usual Priviledges, which His Honor was pleased to grant.

The Members being returned to their own House Mr. Speaker reported that his Honor was pleased to make a Speech of which to prevent Mistakes he said he had obtained a Copy.

Then the House unanimously chose Thomas Hardy Esq'r their Clerk and Mr. William Cox their Messenger for the present Session, whereupon Mr. Blommart was Ordered to attend his Honor and desire their Clerk and Messenger might be Sworn Who returning reported that they were Sworn accordingly.

His Honors Speech was Read in the following Words:

Honourable Gentlemen, Mr. Speaker and Gentlemen of the Commons House of Assembly: The Daily expectation of the Arrival of His Excellency Governor Eliot was my principal inducement for calling a General Assembly at this Time. As that wished for event has not happened I must Recommend it to you, to take into your most serious Consideration the present State of this Colony, To examine well into those matters which are essential and expedient to its Welfare and on all Occasions to promote harmony and Concord among you, without which, and a most dutifull regard to His most Gracious Majesty and the Laws of this Government the best concerted schemes and Plans must fail.

Such matters as may not require immediate Dispatch I would recommend to be left till the arrival of His Excellency Governor Eliot, but in such as well as in all others, which tend to the Interest of this Colony I shall ever most chearfully and readily co-operate.

Gentlemen of the Assembly, I shall order the Accounts of the last years Tax to be laid before you together with an Estimate of the Annual Services necessary for the Support of this Government. Being thoroughly sensible that you cannot raise any thing considerable, I shall only request That you will, in Aid of what the Crown allows for this Purpose contribute by means the least burthensome, and mose agreable to your Constituents, so much as they can afford, and that in such manner as may intitle them and you to the more particular Countenance, Favour and Protection of the best of things.

(Signed) Montfort Browne

The Writs of Election for choosing Representatives to serve in this Assembly with the Returns thereof, having been sent down

to the House and Read it appeared that the several Representatives herein after mentioned were returned to serve as Members of this Assembly Vizt.

Pensacola	Mobile	Campbell Town
George Urguhart	Alexander McIntosh	John Campbell
John Lorimer	Robert Farmar	Jno. A. Martin
George Gauld	Dougald Campbell	
James Ross	Daniel Ward	
Valens Stephen Comyn	Benjamin Rush Wegg	
William Aird	Henry Lizars	
John Blommart	James Ross	

And one of the said Writs with the Returns thereof being Ordered to be entered is as follows.

West Florida SS.

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth To our Provost Marshall of our Province of West Florida Greeting Whereas for the making Constituting and Ordaining Laws Statutes & Ordinances for the Public Welfare and good Government of our said Province of West Florida We have by and with the Advice of our Council of our said Province Ordered and directed a General Assembly to be held at Pensacola on the Twenty fifth Day of January next ensuing We therefore Command you that immediately after the Receipt of this our Writ (Notice thereof being duly given) you proceed to the Election of Eight of the most fit and discreet Freeholders freely and indifferently to be chosen by the Major part of the Freeholders of the said Town and District as shall be then and there present to appear and serve as their Representatives in the said Assembly And that you do insert the Names of such Persons so chosen (whether they be present or absent) in a certain Indenture thereupon to be made between you and those who shall choose them so that they may have full power for themselves and the Comonalty of the said Town and District to do and Consent to those Things that by the said General Assembly shall be Ordained and Cause them to come to Pensacola at the Day aforesaid and the Election so made as foresaid you shall without Delay distinctly and plainly certify under your Seal and the Seals of them respectively who shall make such Election unto our Governor in Council Remitting to him one part of the said Indenture to this Writ annexed.

Witness our Trusty and well beloved Montfort Browne Esquire our Lieutenant Governor and Commander in Chief of our said Province at Pensacola the Fifteenth Day of December in the Ninth Year of our Reign and in the year of our Lord One Thousand seven hundred and sixty Eight.

The Execution of this Writ appears in the Indenture hereunto annexed.

(Sign'd) Campbell Voters. P:M:

West Florida SS.

This Indenture made at the Town of Pensacola in full District thereof on the Twelfth Day of January in the Nineth year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King &c Between Campbell Voters Provost Marshall of the Province aforesaid of the one part and Edmund Rush Wegg, John Falconer, David Ross, James Mitchell, John Moore, John Watkins, David Tate, Richard Carpenter, Francis Poussett, Alexander MacPherson, and many other Persons specified in the Writ to this Indenture affixed of the other part, who as the Major part of the Freeholders of the said Town and District then and there present have chosen, George Urguhart, John Lorimer, George Gauld, James Ross, Valens Stephen Comyn, David Waugh, William Aird and John Blommert, Esquires Representatives Fit and Discreet to serve for one Year, Giving and granting unto the said Representatives full and Sufficient power for themselves and the Comonalty of the said Town and District to do and consent to those things which at the said Assembly in the Writ mentioned shall be agreed upon concerning the affairs in the said Writ Specified.

In Testimony whereof to one part of this Indenture Remaining with our Sovereign Lord the King The said parties have put their Hands and Seal on the Day and in the year at the place above Written.

E. R. Wegg. L:S:
Jno. Falconer. L:S:
John Watkins. L:S:
David Tait. L:S:
David Ross. L:S:
James Mitchell. L:S:
Alexr. McPherson. L:S:
Richd. Carpenter. L:S:
Frans. Poussett. L:S:

Sealed and delivered in the presence of Frans. Maguire, Thos. Underwood.

Mr. James Ross being returned for Pensacola and Mobile, declared that he took his Seat for Pensacola, and Moved that a Warrant might be issued for Electing a Member for Mobile in his Stead.

Ordered that Mr. Speaker do issue his Warrant accordingly.

Motion was made that an humble Address of thanks be prepared to his Honor in return for his Speech, To which the House agreed.

Ordered that Doctor Lorimer, Mr. Gauld, and Mr. James Ross, be a Committee to prepare the same.

The following Rules were Read and ordered to be the standing Rules of the House.

1st. That the Speaker being Sick or necessarily absent a Speaker be chosen for the Time.

2nd. That every Member place himself as he come in that there may seem no disparity the speaker always excepted who must take the Chair.

3rd. That Five be a Quorum to meet and adjourn and to send for absent Members.

4th. That Eight be a Quorum to Act as if all Members were present, and to proceed to all Business.

5th. That the Assembly at rising do adjourn from Time to Time as they shall see convenient for the speedy dispatch of affairs, and that none depart the House without the Speakers leave on any pretence w'tsoever.

6th. That every Bill before it pass be Read Three Times with the Amendments.

7th. That no Member speak above Twice to the same Debate without leave from the House, And that none presume to Speak without rising up and addressing himself to the Speaker.

8th. That such as are appointed of Committees be named by the Speaker and approved by the House.

9th. That the Minutes of the preceeding Day be Read every Morning before the House proceed to any Business, and entered in a Book.

10th. That no Committee continue Sitting after the House is met.

11th. That no Member of the Honorable the Council of this Province hath any right to Interfere in the Election of Representatives to serve in the Assembly.

12th. That when the House shall Judge any Petition touching Elections to be frivolous or Vexatious the House will Order Satisfaction to the Person Petitioned against.

13th. That in case it shall appear any Person hath procured himself to be Elected or Returned as a Member of this House, or endeavoured so to do by Bribery or any Corrupt or Indirect Practices, the House will proceed with the utmost severity against such Person.

14. That if it shall appear any Person hath been tampering with any Witness in respect of their Evidences to be given to this House or any Committee thereof or directly or Indirectly endeavoured to deter any Person from appearing or giving Evidence the same be declared to be a high Crime and misdemeanor and this House will proceed with the utmost severity against such offenders.

15. That if it shall appear any Person hath given false Evidence in any Case before the House or any Committee thereof this House will proceed with the utmost severity against such offenders.

16th. That all Persons that will question any Return are to do it within five Days next, after any new Return shall be brought in.

17th. That any Member who shall absent himself without leave of the House or Speaker be without further Order taken into Custody, and that the Speaker shall and he is empowered and required to Sign Warrants for those purposes.

18th. That all Persons who shall be ordered into Custody pay to the Messenger two Dollars for each Day such Person shall remain in Custody.

19th. That all Original Papers shall be lodged in the Hands of the Speaker who is to be answerable to the House for the same.

20th. That when anything shall be moved relative to any Member or Officer of the House, such Member or Officer shall withdraw untill the same shall be fully determined.

21st. That generally the House will proceed and Resolve upon every motion as it occurs with Caution and according to the best precedents.

Ordered that the following Members be a Committee of Priviledges and Elections: Mr. Urguhart, Mr. Waugh, Major Farmar, Doctor Lorimer, Mr. Gauld, Mr. Ross, Mr. Blommart and Mr. Aird.

That four be a Quorum. That they sit at such Times as they see Convenient. That they have Power to send for Persons Papers and Records and to examine all Persons in the most Solemn manner.

A Petition from John Maitland and Arthur Strother was received, Setting forth:

That at the late Election for the Township of Campbell Town the Petitioners offered themselves as Candidates.

That at the said Election Mathew Muston, Paul Chevet, Moses Chevet, John Gerault, and John Charles with diverse other Persons all of whom presented themselves to Vote for the Petitioners, but were refused to be admitted Poll by the Provost Marshall, That by reason thereof John Allen Martin and John Campbell Esquires were returned by the Marshall as Representatives for the said Township.

That had the Persons so rejected been admitted to Vote, (which they had a most undoubted right to) the Petitioners would have had a considerable Majority of Votes in their favor.

That at the said Election the Provost Marshall acted in the most Arbitrary Partial and illegal manner, and Publickly affirmed That he had a list of those whom he would admit to Vote, And that he had certain Instructions which he was determined to abide by.

That the Persons who voted for the said John Allen Martin and the said John Campbell had Conveyances made over to them for the Sole purpose of Voting.

And prayed for Relief.

Ordered that the same be referred to the Committee of Priviledges and Elections and that they make a Report to the House of their Proceedings.

A Petition from John Allen Martin was received and Read, Setting forth:

That by admitting several unqualified Persons to Vote, and by obstructing Persons to Vote for the Petitioner he was deprived of the advantage he had of a Majority of Legal Voters on the Poll taken at the Town of Pensacola on the Twelfth instant.

The Petitioner further Complained that in Consequence of said illegal Votes being admitted an undue return was made from said Town.

And prayed for Relief.

Upon the debate arising respecting said Petition, It was Resolved That the Petition was too general & inconclusive to be admitted, And leave was given to Mr. Martin to Amend his Petition.

A Motion was made and agreed to that an application be sent to His Honor the Lieutenant Governor for a Copy of the Minutes of Council relative to the laying out of the Township of Campbell Town, and of such Lots as have been granted within the same to be laid before the House.

The following Message was sent to his Honor:

May it please your Honor, We are Ordered by the House to acquaint your Honor that they pray your Honor will be pleased to Order Copys of the Minutes of Council relative to the laying out the Township of Campbell Town and of such Lots as have been granted within the same, to be laid before the House.

Ordered that Mr. Ross and Mr. Martin do wait upon his Honor with the same, who returning reported the delivery thereof and that his Honor was pleased to say That he would give Orders accordingly.

The House adjourned till Ten o'Clock tomorrow morning.

Thursday January 26th. 1769

The House Met according to adjournment.

Present Mr. Speaker, Mr. Aird, Mr. Urguhart, Mr. Martin, Major Farmar, Mr. Ross, Mr. Lorimer, Mr. Gauld, Mr. Waugh, Mr. Blommart.

The Minutes of Yesterday were Read.

Mr. Lorimer from the Committee for preparing an humble Address to his Honor for his Speech Reported that they had prepared one, which they had directed him to Report when the House would be pleased to receive the same.

Ordered that the same be now Received & Read.

The Address was presented and Read accordingly.

A Motion was made and agreed to that the said Address be Committed.

Then the House Resolved itself into a Committee thereupon and after some time spent therein Mr. Speaker resumed the Chair and Mr. Gauld from the Committee Reported that they had gone through the Address And had made Several Amendments thereto which they had desired him to Report to the House when the House would be pleased to receive the same.

Ordered that the Report be now made.

Then Mr. Gauld in his place read the Address with the Amendments and delivered the same in at the Table where being again Read by the Clerk was agreed unto by the House.

Ordered that the Address be Engrossed.

Resolved that this House will on Tuesday next go into a Committee of the whole House to take into Consideration the present State of the Colony and such matters as may promote the welfare and prosperity of it.

A Motion was made and agreed to that an Authenticated Copy of such part of His Majesty's Instructions as Relate to the Conditions of Granting Lands in the Province be delivered to the Committee of Priviledges and Elections and that an Order for that purpose be sent to the Register of this Province— which was Ordered accordingly.

A Motion was made that the Laws of this Province together with the Bills which only passed the House of Assembly at the last meeting be laid before the Committee of the whole House on Tuesday next.

Ordered accordingly.

The following Members were appointed a Grand Committee for Grievances— Mr. Ross, Mr. Lorimer, Mr. Blommart, Mr. Urguhart, Major Farmar, Mr. Gauld and all such Members as may chuse to attend.

That Five be a Quorum.

That they have Power to send for Persons Papers and Records and to examine all Persons in the most Solemn manner.

That they sit at such Time as they see Convenient.

That the same Members be appointed a standing Committee for Corresponding with the Agent of this Province, and that at the End of any Session of this Assembly They shall see the Minutes, Corrected, fairly Copied and Signed by the Speaker.

The House adjourned till 10 o'Clock tomorrow morning.

Friday January 27th. 1769

The House met according to adjournment.

Present Mr. Speaker, Mr. Ross, Mr. Gauld, Major Farmar, Mr. Aird, Mr. Martin, Mr. Urguhart, Mr. Lorimer, Mr. Blommart, Mr. Waugh.

The Engrossed Address to his Honor was Read in the following Words Vizt.

To His Honor Montfort Browne Esq'r Lieutenant Governor and Commander in Chief of His Majesty's Province of West Florida Chancellor and Vice Admiral of the same &c &c &c.

The Humble Address of the Assembly.

May it please your Honor, We the Representatives of His Majesty's most Dutiful and loyal Subjects of the Province of West Florida in General Assembly met beg leave to return your honor our sincere thanks for your Speech at the opening of this Assembly, agreable to your Honors Recommendation, we shall most attentively Consider the present State of this Colony and exert our utmost endeavours in all matters essential and expedient to its welfare and Prosperity.

Firmly attached by Inclination as well as Duty to our most gracious Sovereign and the Laws of our happy Constitution, On our part we shall ever promote harmony and Concord, without which we are sensible that the purposes we are assembled for cannot be effected.

Happy in the Assurances your honor has been pleased to make of Co-operating in such measures as may tend to the Interest of this Colony we shall only proceed upon those matters which are necessary and require dispatch.

We beg leave to assure your honor that as far as our present circumstances will admit we shall cheerfully contribute towards the Support of Government and that in such manner as we hope may recommend us to the favor of the best of Things.

Resolved that the said Address do pass.

Ordered that Mr. Speaker do sign the same.

The following Message was sent to his honor:

May it please your honor, We are ordered by the House to acquaint your honor that they having an humble Address to present desire to know when you will be pleased to be attended.

Ordered that Mr. Gauld and Mr. Urguhart do wait upon his honor with the same who returning reported the delivery thereof and that his honor was pleased to say when the House pleased.

Mr. Speaker and the whole House waited upon his Honor the Lieutenant Governor and presented the Address, and being returned Mr. Speaker reported that they had attended his honor and presented their Address, and that his Honor was pleased to return an Answer, of which to prevent mistakes Mr. Speaker said he had obtained a Copy and is as follows Vizt.

Mr. Speaker and Gentlemen of the Assembly, It gives me at this Time singular pleasure to observe the good disposition you shew of promoting Order, and exerting your abilities towards the welfare of this Colony.

I repeat that on all Occasions you shall ever find me cheerfully concurring and heartily Interesting myself in such matters as may prove essential to the Public Good.

(Sign'd) Montfort Browne.

The House adjourned till 5 o'Clock this afternoon.

The House met according to adjournment.

Present Mr. Speaker, Major Farmar, Mr. Lorimer, Mr. Waugh, Mr. Ross, Mr. Aird, Mr. Gauld, Mr. Urguhart, Mr. Blommart.

Mr. Gauld Chairman of the Committee of Priviledges and Elections Reported that the said Committee had Ordered Mr. William Collins into Custody of the Messenger till the House should meet for an Insult offered to the said Committee.

Resolved Nem. Con. that the House do approve of the Proceedings of the Committee relative to the said William Collins.

A Motion was made that the Messenger do bring Mr. William Collins before this House And that he be now required to make and Subscribe the Concession appointed by the Committee.

Ordered that the Messenger do bring the said William Collins accordingly.

The Messenger attending with the said William Collins in Custody, Mr. Collins came to the Bar and made and subscribed the Concession appointed by the Committee of Priviledges and Elections Vizt. "I had no intention to offer any Insult or to give any

offence to this Committee, and if any Words by me Spoken have given any offence I am heartily sorry for it, and humbly ask Pardon of the Committee."

Ordered that the said William Collins be discharged out of Custody paying his fees.

The House adjourned till 10 o'Clock Monday Morning.

Monday January 30th. 1769

Present Mr. Speaker, Major Farmar, Mr. Lorimer, Mr. Gauld, Mr. Ross, Mr. Aird, Mr. Waugh, Mr. Urguhart, Mr. Blommart.

The Minutes of Friday were Read.

Mr. Gauld Chairman of the Committee of Priviledges and Elections Reported that they had gone through the Examination of Evidence relative to the late Election of Campbell Town in Consequence of the Petition of John Maitland and Arthur Strother Esq'rs referred to the said Committee by the House.

Resolved that this House will at five o'Clock this afternoon take into Consideration the said Examination and that John Allen Martin, John Campbell, John Maitland, Arthur Strother Esq'rs and the Provost Marshall be then heard at the Bar by themselves or their Council relative to the said Election.

Mr. Speaker laid before the House a Dedimus he had received from his Honor Impowering him Mr. James Ross and Mr. Urguhart or any of them to administer the Oaths prescribed by Act of Parliament to be taken by the Members of the Assembly who had not taken the same.

Mr. Speaker acquainted the House that the Lieutenant Governor had sent for him and informed him that he understood that he the Speaker had issued Warrant by the Order of this House for a Writ of Election of a Member for the Town and District of Mobile in the Room of Mr. Ross who was returned and had taken his Seat for Pensacola. That the Lieutenant Governor said that the Writ of Election should have been issued by him upon an Application from the House which was the method pursued in the other Colonies and particularly that of Georgia to which he is referred by his Majesty's Instructions.

Resolved that a Committee be appointed to search for Precedents relative to the Speaker's issuing Warrants for Vacant Seats.

Ordered that the Committee for Priviledges and Elections be a Committee for that purpose and to Report the same to the House.

Ordered that the Surveyor General be directed to lay before this House at five o'Clock this afternoon the Plan of the Bay of Pensacola, with the Lands laid out upon the same, and with what other Information he can give relative to the Boundaries of Campbell Town.

The House adjourned till five o'Clock this Evening.

The House met according to adjournment.

Present Mr. Speaker, Major Farmar, Mr. Lorimer, Mr. Gauld, Mr. Ross, Mr. Aird, Mr. Waugh, Mr. Urguhart, Mr. Blommart.

The Surveyor General laid before the House a Plan of the Bay of Pensacola according to Order.

The Examinations taken before the Committee of Priviledges and Elections were Read; and then Mr. Martin, Mr. Maitland, and the Provost Marshall attending were severly fully heard at the Bar.

The House resolved itself into a Committee to form a Determination in regard to the late Election at Campbell Town, And after some time spent therein Mr. Speaker resumed the Chair, and Major Farmar from the Committee Reported that they had come to several Resolutions which they had directed him to Report to the House when the House would be pleased to receive the same.

Ordered that the same be now Received.

Then Major Farmar in his place Read the said Resolutions and delivered the same in at the Table where being again Read by the Clerk are as follows Vizt.

1st. Resolved that by an Act passed in the first Session of the first General Assembly of this Province, Entitled "An Act appointing the Number of the Assembly and Regulating Elections," Mathew Muston, John Gerault, Paul Chevet and George Rose had an undoubted right to vote at the late Election for Campbell Town.

2d. Resolved that it appears to this Committee that George Fead and Alexander Frazer having procured Conveyances of Lots in Campbell Town merely to enable them to give their Votes at the late Election; the Votes of the said Mr. Fead and Mr. Frazer are therefore Illegal and Void.

3d. Resolved that as the Limits Boundaries and extent of the Township of Campbell Town have not yet been particularly ascer-

tained and laid out it doth not appear to the Committee, That Francis Hutchinson and John Gradenigo had a right to Vote at the late Election at Campbell Town.

4th. Resolved that the Provost Marshall by refusing to admit the Votes of Mathew Muston, John Gerault, and Paul Chevet, hath made a false Illegal and undue Return of John Campbell and John Allen Martin Esquires as Members for the Township of Campbell Town in prejudice of John Maitland and Arthur Strother Esquires.

5th. Resolved that the Provost Marshall and all Persons concerned in making or procuring said Return & every or any of them are liable to all the Penalties, the Law in that Case directs; and that the said Provost Marshall, and the said John Campbell and John Allen Martin do in equal shares pay all Expences attending Scrutiny and Determination of the said Election as the same shall be Taxed by a Committee of the House.

Resolved that the House do agree to the said Resolutions.

Resolved that the Provost Marshall do come to the Bar of this House and Answer his Return for Campbell Town by Erasing the Names of the said John Allen Martin and John Campbell and inserting therein the Names of John Maitland and Arthur Strother.

The Provost Marshall came to the Bar and altered his Return accordingly.

Resolved that Mr. Maitland and Mr. Strother do take their Seats as Members for Campbell Town.

The House adjourned till 10 o'Clock Tomorrow Morning.

Tuesday January 31st. 1769

The House met according to adjournment.

Present Mr. Speaker, Major Farmar, Mr. Gauld, Mr. Ross, Mr. Urguhart, Mr. Lorimer, Mr. Aird, Mr. Blommart.

Mr. Maitland attending Mr. Speaker by virtue of the Dedimus to him and others directed administered the Oaths to Mr. Maitland who took the same and made and Subscribed the Declaration, and took his Seat accordingly.

Mr. Gauld from the Committee of Priviledges and Elections Reported that they had according to Order searched for Precedents relative to the Speaker's issuing Warrants for Vacant Seats, And that they had found several Precedents for that practice but not

many against it. That the said Committee are of Opinion that an humble Address be presented by the House to his honor relative to their Rights therein.

Ordered that the Committee of Priviledges and Elections do prepare an Address to his honor accordingly.

The House adjourned till 10 o'Clock tomorrow morning.

Wednesday February 1st. 1769

The House met according to adjournment.

Present Mr. Speaker, Mr. Ross, Mr. Aird, Mr. Waugh, Major Farmar, Mr. Lorimer, Mr. Maitland, Mr. Gauld, Mr. Urguhart.

Mr. Gauld from the Committee of Priviledges & Elections Reported that they had prepared an humble Address to his honor the Lieutenant Governor, which they had directed him to report to the House, when the House would be pleased to receive the same.

Ordered that the Report be now made.

Then Mr. Gauld in his place read the Address and delivered the same in at the Table, where being again Read by the Clerk was agreed unto Nem: Con: by the House.

Ordered that the Address be Engrossed.

The Engrossed Address to his Honor was Read in the following Words Vizt.

To his Honor Montfort Browne Esquire Lieutenant Governor and Commander in Chief in and over his Majesty's Province of West Florida, Chancellor and Vice Admiral of the same &c &c &c.

The Humble Address of the Assembly:

May it please your honor, At the opening of this General Assembly we declared our firm and real Attachment to his most Gracious Majesty, and the Laws of our Constitution to evince which and our Integrity to our Constituents We conceived That the strict pursuit of the Maxims & Laws of the Mother Country would be the most effectual & Salutary means.

Hitherto during the Sitting of the former Assemblys of this Colony on a Vacancy happening it was the constant Practice for the Speaker to Sign Warrants for a New Writ of Election; As your honor has lately objected to that method we have most carefully consulted the best Precedents in our Possession from the Reign

of Queen Elizabeth to the present Time, And particularly the Second Statute of the Thirtieth of Charles the Second, whence we humbly presume the method by us pursued is the nearest and most agreable to the Laws of England, & Conformable to his Majesty's Royal Proclamation of the Seventh of October 1763.

The Authorities we have now the honor of laying before you We flatter ourselves upon mature & deliberate Consideration, will be of sufficient weight to convince your honor, That on this Occasion we have not either inclined or attempted in any respect to infringe on the Royal Prerogative, but solely to support those Rights and Priviledges inherent in, and always enjoyed by British Subjects, and to us by this Province as Representatives thereof entrusted.

Resolved Nem: Con: that the Address do Pass.

Ordered that Mr. Speaker do sign the same.

Ordered that the following Message be sent to his Honor.

May it please your Honor, We are ordered by the House to acquaint your honor that they having an Humble Address to present desire to know when you will be pleased to be attended.

Ordered that Mr. Ross and Mr. Waugh do wait upon his honor with the same, who returning reported the delivery thereof; and that his honor was pleased to say when the House pleased.

Then Mr. Speaker and the whole House waited upon his Honor and presented their Address, And being returned Mr. Speaker Reported they had attended his honor and presented their Address, And that his honor was pleased to say That he would give an Answer tomorrow at Eleven o'Clock.

A Motion was made that leave be given to bring in a Bill which had passed this House only in the last meeting of the late Assembly entitled "An Act for the Security of all Persons who shall give Credit in or to this Province."

Ordered that the said Bill be brought in accordingly.

The said Bill being presented was Read a first Time.

Ordered that the said Bill be Read a Second Time on Friday next.

A Motion was made that leave be given to bring in a Bill which had passed this House only in the last meeting of the late Assembly, entitled "An Act for Quitting Possessions."

Ordered that the said Bill be brought in accordingly.

The said Bill being presented was Read a first Time.

Ordered that the said Bill be Read a Second Time on Friday next.

A Motion was made that leave be given to bring in a Bill which had passed this House only in the last meeting of the late Assembly Entitled "An Act for Appointing Vestries and Parish Officers for the Towns of Pensacola and Mobile."

Ordered that the said Bill be brought in accordingly.

The said Bill being presented was Read a first Time.

Ordered that the said Bill be Read a Second Time on Friday next.

A Motion was made that a Committee be appointed to bring in a Bill, to amend the Act entitled "An Act concerning Attachments and for Regulating the Marshalls Proceedings."

Ordered that Mr. Ross, Mr. Lorimer, Mr. Maitland and Mr. Urguhart be a Committee to prepare and bring in the same.

Ordered that the Orders of the Day be adjourned over untill tomorrow.

The House adjourned untill tomorrow Morning 10 o'Clock.

Tuesday February 2nd. 1769

The House met according to adjournment.

Present Mr. Speaker, Mr. Urguhart, Major Farmar, Mr. Blommart, Mr. Lorimer, Mr. Waugh, Mr. Aird, Mr. Maitland, Mr. Ross, Mr. Gauld.

The Minutes of yesterday were Read.

The House Resolved itself into a Committee according to Order to take into Consideration the Present State of the Province, And after some time spent therein Mr. Speaker resumed the Chair, and Major Farmar from the Committee Reported that they had come to several Resolutions, which they had directed him to Report to the House when the House would be pleased to receive the same.

Ordered that the Report be now made.

Then Major Farmar in his place Read the said Resolutions and delivered the same in at the Table where they were again Read by the Clerk, and are as follows Vizt.

1st. Resolved that the Committee are of opinion that this is a proper Time to Consider of the most effectual means to encourage the Settlement of that part of the Province to the Westward of Charlotte County, And that it is absolutely necessary that the House do Proceed thereon.

2nd. That a Bounty be granted upon all Pitch and Tar Exported from this Province to Great Britain or any of His Majesty's Colonies or Plantations in America or the West Indies Provided the same be Manufactured and put up agreable to the Act of the Fourth of Queen Ann Granting a Bounty on the same Articles.

3rd. That the House do take into Consideration the State of the Public Accounts and the manner in which the Monies formerly Raised in the Province have been Collected and applied.

4th. That the House do enquire into the Security given by the Public Officers for the due & faithfull Execution of their several Offices.

Resolved that the House do agree to the said Resolutions.

Mr. Speaker laid before the House a Letter from his Honor the Lieutenant Governor enclosing an Extract of a Letter from Admiral Parry to his Honor both of which being Read are as follows Vizt.

Sir, I take the first opportunity of Communicating to you an Extract of a Letter which I yesterday received from Admiral Parry of which I desire you will be so good to acquaint the Members of the House.

(Sign'd) Montfort Browne.

Extract of a Letter from Admiral Parry to his Honor Lieutenant Governor Browne, Dated Jamaica 5th. January 1769.

"In order to give you a Testimony of my readiness to assist His Majesty's Subjects, both in their Persons and Effects together with the hope of keeping in our Possession the Infant Settlement adjacent to Pensacola, I shall Order His Majesty's Sloop the Tryall which I Daily expect will touch here with Governor Eliot to remain at Pensacola, till the pleasure of the Lords Commissioners of the Admiralty is known, which Sloop of War with the Two Companies of Artillery which are destined to your Province, will in great measure I hope Relieve you, and the People under your Government, from those fears and Apprehensions which are dreaded from the Indians.

Through you Sir I beg the Inhabitants of Pensacola may be acquainted with the above to Quiet their minds, And also that I have transmitted their Petition to the Admiralty, And agreable to their request have Strengthened their Application in a Strenuous manner, and make no Doubt but their Lordships will take their Petition into immediate Consideration."

(Sign'd) Will'm Parry.

Resolved Nem: Con: That Mr. Speaker do in the Name of the House transmit the Thanks of this House to Admiral Parry for his great care and attention to his Majesty's service and the Protection of this Province.

The following Message was Received from his Honor the Lieutenant Governor, by his Secretary:

Mr. Speaker and Gentlemen of the Commons House of Assembly, In Answer to your Address of Yesterday I have taken into Consideration the Precedents you have shewn for the Issuing of a Warrant by the Speaker for a Writ of Election, which not being drawn from the Practice in America, I do not think them a Sufficient authority for deviating from the Custom established in the Neighbouring Provinces. But as his Excellency Governor Eliot is Daily expected I leave the determination thereof untill his Arrival, And do therefore adjourn the Commons House of Assembly untill the Tenth Day of March next, And you are hereby accordingly adjourned. Given under my Hand at Pensacola this 2nd. day of February 1769. (Sign'd) Montfort Browne.

Resolved Nem: Con: That this House in their late respectful Address to his Honor, did refer to such Precedents, as they thought Sufficient, And that they avoided Particularizing or reflecting upon the forms of any Colony, as those Colonies have differed widely from one another, and even from themselves, And that the House conceive no particular Colony is prescribed for our Guidance in these our Proceedings.

Resolved Nem: Con: That by such Message those Matters which require immediate Dispatch are Obstructed, and those Plans and Schemes which the House were concerting for the *Welfare of this Colony*, are intirely frustrated and rendered abortive.

Resolved Nem: Con: That those Persons who have advised his Honor to adjourn the House at this Crisis are Enemies to his Majesty, to the Intentions of the Administration of the Mother Country and to the Settlement and welfare of this Province, And

have destroyed that harmony and Concord so strongly recommended by his Honor to be promoted between the Branches of the Legislature.

Resolved Nem: Con: That whatever Person or Persons have advised his Honor to defer the determination of any disputable points till the Arrival of his Excellency Governor Eliot, are Enemies to the general Tranquility of this Province, and particularly to his Excellency.

Resolved Nem: Con: that the Clerk do deliver to the Members Copies of the Proceedings of this Meeting of the Assembly in order that they may shew to their Constituents the great desire this House had to proceed with Moderation and dispatch in those matters essential and Expedient to the welfare and prosperity of the Province.

The House adjourned itself to the Tenth Day of March next.

(SESSION: MAY 22—JUNE 29, 1769)

Monday May 22nd. 1769

The Members of the Assembly being met according to the Writs of Election, Mr. Urguhart and Mr. Comyn went and acquainted his Honor therewith and soon after the Hon'ble David Hodge Arthur Neil and William Godley Esquires three of his Majesty's Council attended by their Clerk, with the Writs of Election and returns thereof came to the House and it appeared that the following Representatives were returned for this Assembly, Vizt.

Pensacola	**Charlotte County**	**Campbell Town**	
George Gauld	David Ward	David Ross	
George Urguhart	Benjamin Ward	John Falconer	A double return
David Waugh	Henry Lizars	Walter Wood	A double return
Valens Stephen Comyn	Alexander McIntosh		
James Ross	Edmund Rush Wegg		
William Marshall	Robert Farmar		
George Brown	John Lorimer		
Arthur Gordon	Richard Carpenter		

The usual Oaths were administered to the Members then present who took the same and made and subscribed the Declara-

tion; and then the said Gentlemen of the Council informed the Members that his Honor in His Majesty's Name had Ordered them to Command the House to proceed to the choice of a Speaker immediately.

Then the House unanimously chose Edmund Rush Wegg Esquire their Speaker, and he being absent they Elected Arthur Gordon Esq'r Speaker Protempore.

Ordered that Mr. James Ross, and Doctor Brown do attend his Honor and acquaint him That the House have made a choice of Edmund Rush Wegg Esq'r their Speaker who being absent they had Elected Arthur Gordon Esq'r Speaker Protempore and that they desire to know when they should attend his Honor to present him, who returning reported the delivery thereof, and that his Honor said when the House pleased.

Whereupon the House attended and presented their Speaker Protempore, who being approved of, demanded in the Name of the House the usual Priviledges which his Honor was pleased to grant, And then his Honor made a Speech, of which to prevent mistakes the Speaker obtained a Copy, And the Members being returned to their own House the same was read as follows, Vizt.

Gentlemen of the Council, Mr. Speaker and Gentlemen of the Assembly: As by the Sudden and much lamented Death of Governor Eliot the Administration of Government has again devolved upon me, I now pursuant to the Writ of Election meet you in General Assembly be assured that I shall heartily concur with you in every measure that may conduce to the prosperity and welfare of this Province, consistant with the Honor and Dignity of His Majesty's Crown and Government.

Gentlemen of the Assembly: I will immediately give the necessary Orders that the Treasurers Accounts be laid before you with an estimate of the unavoidable Expences of Government and hope you will contribute to the Aid thereof as much as the present circumstances of the Province will admit of.

Gentlemen of the Council and of the Assembly: Let me recommend to you Unanimity and concord and a Steady attention to the Interests of this Colony without which all your endeavours and my expectations must be frustrated.

22nd. May 1769. (Signed) Montfort Browne

Then the House Unanimously chose Mr. Thomas Hardy their Clerk, and Mr. William Cox their Messenger, whereupon Mr. David

Ross was Ordered to attend his Honor and desire that their Clerk and Messenger might be Sworn, who returning reported that they were Sworn accordingly.

One of the Writs of Election with the Return thereof being Ordered to be entered on the Minutes is as follows Vizt.

West Florida SS.

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth To the Provost Marshall of our Province of West Florida Greeting Whereas for the making Constituting and Ordaining Laws Statutes and Ordinances for the Public welfare and good Government of our said Province of West Florida We have by and with the advice of our Council of our said Province Ordered and directed a General Assembly to be held at Pensacola on the Twenty second Day of May next ensuing We therefore Command you that immediately after the Receipt of this our Writ (notice thereof being duly given) you proceed to the Election of Eight of the most fit and discreet Freeholders of the said Town and District as shall be then and there present to appear and serve as their Representatives in the said Assembly and that you do insert the Names of such Persons as chosen (whether they be present or absent) in a certain Indenture thereupon to be made between you and those who shall chose them so that they may have full power for themselves and the Comonalty of the said Town and District to do and consent to those things which by the said General Assembly shall be ordained and cause them to come to Pensacola at the Day aforesaid, And the Election so made as aforesaid you will without delay distinctly and plainly Certify under your Seal and the Seals of them respectively who shall make such Election unto our Governor in Council remitting to him one part of the said Indenture to this Writ annexed Witness our Trusty and well beloved John Eliot Esq'r our Captain General and Governor in Chief of our said Province at Pensacola the Tenth Day of April in the Ninth year of our Reign and in the year of our Lord One Thousand seven hundred and Sixty Nine.

Secretary's Office (Sign'd) John Eliot.

Certified by Frans. Poussett D.P.S.

The Execution of this Writ appears by the Indenture hereunto annexed.

(Sign'd) John Crozer D.P.M.

West Florida SS.

This Indenture made at the Town of Pensacola in full District thereof on the Twenty seventh Day of April in the Ninth year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King &c Between John Crozer Esq're Provost Marshall of the Province aforesaid of the one part and Richard Carpenter, Benjamin Ward, William Barrow, David Ross, David Tait, John Falconer, Thomas Hardy, David Waig, James Michell, John Simpson and many other Persons Electors of Representatives to serve in the Assembly Specified in the Writ to this Indenture affixed of the other part who as the Major part of the Freeholders and Householders of the said Town and District then and there present have chosen George Gauld, George Urguhart, David Waugh, Valens Stephen Comyn, James Ross, William Marshall, George Brown and Arthur Gordon Esquires Representatives fit and Discreet to serve for one year giving and granting to the said Representatives full & Sufficient power for themselves and the Commonalty of the said Town and District to do and consent to those things which at the said Assembly in the Writ mentioned shall be agreed upon concerning the Affairs in the said Writ specified In Testimony whereof to one part of this Indenture remaining with our Sovereign Lord the King the said parties have put their Hands and Seals, but to the other part of the said Indenture the said Provost Marshall hath put his Hand and Seal on the Day in the year and at the place aforesaid.

Rich'd Carpenter L.S.	Jno. Falconer L.S.
Benj'n Ward	Tho's Hardy
Wm. Barrow	David Day
David Ross	Jas. Mitchell
David Tait	Jno. Simpson

Sealed and delivered in presence of John Hanny, Thos. R. Hyam.

The following Rules were read and ordered to be the Standing Rules of the House.

1st. That the Speaker being Sick or necessarily absent a Speaker be chosen for the Time.

2. That every Member place himself as he comes in that there may seem no disparity, the Speaker always excepted, who must take the Chair.

3. That Five be a Quorum to meet and adjourn and to send for absent Members.

4. That Eight make a Quorum to Act as if all the Members were present and to proceed to all Business.

5. That the Assembly at rising do adjourn from Time to Time as they shall see Convenient, for the Speedy Dispatch of Affairs, and that none Depart the House without the Speakers leave on any pretense whatsoever.

6. That every Bill before it pass be Read Three Times with the Amendments.

7. That no Member speak above Twice to the same Debate without leave from the House, and that none presume to speak without rising up And Addressing himself to the Speaker.

8. That such as are appointed of Committees be named by the Speaker and approved of by the House.

9. That the Minutes of the preceeding Day be read every Morning before the House proceed to any Business and entered in a Book.

10. That no Committee continue sitting after the House meet.

11. That no Member of the Honorable the Council of this Province hath any Right to interfere in the Election of Representatives to serve in the Assembly.

12. That when the House shall Judge any Petition touching Elections to be frivolous or Vexatious the House will Order Satisfaction to the Person Petitioned against.

13. That in Case it shall appear any Person hath procured himself to be Elected or Returned as a Member of this House, or endeavored so to do by Bribery or any corrupt or Indirect practices, this House will proceed with the utmost severity against such Person.

14. That if it shall appear any Person hath been tampering with any Witness in respect of their Evidences to be given to this House or any Committee thereof or directly or indirectly endeavoured to deter any Person from appearing and giving Evidence the same be declared to be a high Crime & Misdemeanor and this House will Proceed with the utmost Severity against such Offenders.

15. That if it shall appear any Person hath given false Evidence in any Case before the House or any Committee, thereof, this House will proceed with the utmost severity against such Offenders.

16. That all Persons that will question any Return are to do it within Five Days next, and so within five Days next after any new Return shall be brought in.

17. That any Member who shall absent himself without leave of the House or Speaker, be without further Order taken into Custody, and that the Speaker shall and he is impowered and required to sign Warrants for those purposes.

18. That all Persons who shall be Ordered into Custody pay to the Messenger Two Dollars for each Day such Person shall remain in Custody.

19. That all Original Papers shall be lodged in the Hands of the Speaker who is to be accountable to the House for the same.

20. That when any Thing shall be moved relative to any Member or Officer of the House, such Member or Officer shall withdraw untill the same shall be fully determined.

21. That generally the House will proceed and resolve upon every other Matter as it Occurs, with caution and according to the best precedents.

A Motion was made that an Address be prepared in Answer to his Honors Speech.

Ordered that the following Members be a Committee of Priviledges and Elections: Mr. Gauld, Mr. Jas. Ross, Mr. Urguhart, Dr. Brown, Mr. Comyn, and all such Members as may choose to attend.

That Three be a Quorum.

That they sit immediately.

That they have power to send for Persons Papers & Records and to Examine all Persons in the most Solemn manner.

Dr. Brown from the Committee Reported that they had come to some Resolutions which they had directed him to Report to the House when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Dr. Brown in his place read the same Resolutions and delivered the same in at the Table where being again Read by the Clerk are as follows Vizt.

1st. Resolved that all matters relating to any Contested Elections within this Province, The proceedings of the Provost Marshall and his Deputies therein, and the final Determination thereof should be intirely regulated by the last Determination of this House and in the present Case according to the late Contested Election at

Campbell Town in like manner as the same is determined on Similar Occasions in the Honorable House of Commons in Great Britain pursuant to an Act of Parliament passed for that purpose in the Second Year of the Reign of King George the Second.

2nd. Resolved that on the Double Return of John Falconer and Walter Hood Esq'rs for the Township of Campbell Town there were an Equal Number of good Votes, And it is the Opinion of this Committee that the Seat for which the said John Falconer and Walter Hood were severly returned, be declared Vacant.

Resolved Nem: Con: That the House do agree to the said Resolutions.

A Bill entitled An Act appointing Vestries and Parish Officers for the Towns of Pensacola and Mobile being presented was Read a first Time.

Ordered that the said Bill be Read a Second Time Tomorrow.

The House adjourned till Ten o'Clock tomorrow Morning.

Tuesday May 23d. 1769

The House met according to adjournment.

The Minutes of Yesterday were Read.

The following Members were appointed a grand Committee of Grievances: Mr. Marshall, Mr. Gauld, Mr. Urguhart, Mr. Waugh, Mr. D. Ross, Mr. James Ross, Dr. Brown, Mr. Comyn, Dr. Lorimer, with all such Members as may choose to attend, And that all Members present have Voices.

That Five be a Quorum.

That they sit at such Times as they see Convenient.

That they have power to send for Persons Papers and Records and to examine all Persons in the most Solemn manner.

That the same Members be appointed a Standing Committee for Corresponding with the Agent of this Province, and that at the end of any Session of this Assembly they shall see the Minutes Corrected fairly Copied and signed by the Speaker.

Ordered that the following Persons be a Committee to Examine the Public Accounts: Mr. Urguhart, Mr. Jas. Ross, Mr. Comyn, Mr. D. Ross, Mr. Gauld, and all such Members as may choose to attend.

That Three be a Quorum.

A Motion was made and agreed to that the Report of a Committee of the whole House the last meeting of the late Assembly

for taking into Consideration the State of the Province should be Read.

The same was Read accordingly.

A Motion was made and agreed to that leave be granted to bring in a Bill to encourage the Settlement of that part of the Province to the Westward of Charlotte County.

The same being Presented was Read a first Time.

Ordered that the same be Read a Second Time.

A Motion was made that leave be given to bring in a Bill to prevent Dangers by Fire and other Accidents in the Streets of Pensacola.

The same being presented was Read a first Time.

Ordered that the same be Read a Second Time.

A Bill entitled an Act for the Security of all Persons who shall give Credit in or to this Province, was presented and Read a first Time.

Ordered that the same be Read a Second Time.

A Bill entitled An Act for Quitting Possessions was presented and Read a first Time.

Ordered that the said Bill do lay over.

The Bill entitled an Act appointing Vestries and Parish Officers for the Towns of Pensacola and Mobile was Read a Second Time.

Ordered that the said Bill be Committed.

A Motion was made that a Committee be appointed to enquire what Laws are near expiring and proper to be Continued, and what Bills are necessary to be prepared and Report the same with their Opinion unto the House.

Ordered that the Members appointed for the Grand Committee of Grievances be a Committee for the above purpose, and to prepare and bring in Bills.

The House adjourned till Ten o'Clock tomorrow Morning.

Wednesday May 24th. 1769

The House met according to adjournment.

The Minutes of yesterday were Read.

Mr. Speaker laid before the House a Dedimus he received from his Honor the Lieutenant Governor impowering him Mr. James

Ross and Mr. Urguhart to Administer the Oaths appointed by Act of Parliament to be taken by the Members, to such Members of the Assembly as are not already Sworn, and to hear and see them respectively subscribe and repeat the Test.

Mr. Benjamin Ward attending Mr. Speaker by virtue of the Dedimus to him and others directed administered the Oaths to him, who took the same and made and subscribed the Declaration.

Mr. Richard Carpenter attending took the Solemn Affirmation prescribed by the 7th. & 8th. William 3d. to be taken by the People called Quakers, instead of the Oaths usually taken, and made and subscribed the Declaration.

Mr. James Ross from the Committee for preparing an Address to his Honor the Lieutenant Governor in Answer for his Speech Reported that they had prepared An Address, And desired to know when the House would be pleased to receive the same.

Ordered that the same be now Received & Read.

Then Mr. Ross in his place Read the said Address and delivered the same in at the Table, where it was again Read by the Clerk.

A Motion was made that the said Address be Committed to a Committee of the whole House which was ordered accordingly.

Then the House Resolved itself into such a Committee and after some time spent therein Mr. Speaker resumed the Chair, and Dr. Brown from the Committee reported that they had gone through the Address and had made an Amendment thereto which they had directed him to report to the House when the House would be pleased to receive the same.

Ordered that the Report be now made.

Then Dr. Brown in his place read the said Address with the Amendment, and delivered the same in at the Table, where the same being again Read by the Clerk was agreed unto by the House.

Ordered that the said Address be Engrossed.

The following Bills were Read a Second Time Vizt.

A Bill entitled An Act to prevent Dangers by Fire and other Accidents in the Streets of Pensacola.

A Bill to encourage the Settlement of that part of the Province to the Westward of Charlotte County.

A Bill entitled an Act appointing Vestries and other Parish Officers for the Towns of Pensacola & Mobile.

A Bill entitled an Act for the Security of all Persons who shall give Credit in or to this Province.

Ordered that the said Bills be Committed.

A Petition from Thomas Hardy was presented and Read setting forth That by the Report of a Committee of the whole House at the last meeting of the late Assembly for determining the Election at Campbell Town it was Resolved among other Things that the Provost Marshall, John Campbell, and John Allen Martin, should in equal Shares pay all Expenses attending the Scrutiny and determination of the said Election as the same should be Taxed by a Committee of the House; That by the Assemblys being adjourned soon after the passing of said Resolution the Petitioner was not able to get the Sundry Expences and Charges made out ready to be laid before the House,— and prayed Relief.

Ordered that the following Members be a Committee to Examine and Tax the Accounts and Expences attending the Scrutiny and Determination of the Campbell Town Election during the meeting of the late Assembly: Mr. Urguhart, Mr. Gauld, Mr. James Ross, Mr. Ben. Ward.

A Petition from John Crozer the Deputy Provost Marshall was presented and Read, Setting forth—

That the Gaols at Pensacola intirely insecure and unsufficient for the purposes for which they are intended. That by reason of there being Two Gaols at Pensacola One for Debtors and the other for Criminals, there is a necessity for employing Two Gaolers, and from the small fees arising from the Office of Provost Marshall the Petitioner found it impossible to make a Suitable allowance, to such Persons as ought necessarily to be employed in attending on said Gaols.

That the Petitioner had been informed that the Sum of Thirty Pounds pr Ann. had been allowed to the Gaoler at Pensacola and Twenty five Pounds to the Gaoler at Mobile, which Sums were paid out of the Contingent Money allowed for the Province during the Government of George Johnstone Esq're at a Time when there was only One Gaol at Pensacola— and Prayed Relief.

Ordered that the Petition be laid upon the Table.

The Engrossed Address to his Honor was Read in the following words Vizt.

To his Honor Montfort Browne Esq'r Lieutenant Governor & Commander in Chief in and over His Majesty's Province of West Florida Chancellor and Vice Admiral of the same, &c &c.

The Address of the Assembly.

May it please your Honor, We the Representatives of his Majesty's faithful and Loyal Subjects the Inhabitants of West Florida return you thanks for your Speech at the opening of this Assembly.

We sincerely lament the Death of Governor Eliot as a very great misfortune to this Province It will however be some alleviation of our Loss to find your Honor Heartily concurring in measures conducive to the Public Good which we only expect or desire consistant with the honor and Dignity of His Majestys Crown & Government together with the Happiness and safety of his Subjects in this Colony.

As far as our present circumstances will admitt we shall readily contribute towards the necessary expences of Government and shall constantly on our part endeavour to promote Unanimity and the true interest of the Province.

Resolved— That the said Address do pass.

Ordered that Mr. Speaker do sign the same.

The following Message was sent to His Honor.

May it please your Honor, We are ordered by the House to acquaint your Honor, That they having an Address to present desire to know when you will please to be attended.

Ordered that Dr. Brown and Mr. Waugh do wait upon his Honor with the same who returning reported the delivery thereof, And that his Honor was pleased to say, Tomorrow Morning at Ten o'Clock.

The House adjourned till Tomorrow Morning Nine o'Clock.

Thursday May 25th. 1769

The House met according to adjournment.

The Minutes of yesterday were Read.

Mr. Speaker and the whole House waited upon his Honor the Lieutenant Governor, and presented their Address, and being returned Mr. Speaker Reported that they had attended his Honor and presented their Address, And that his Honor was pleased to

return an Answer of which to prevent mistakes Mr. Speaker said he had obtained a Copy And is as follows, Vizt.

Mr. Speaker and Gentlemen of the Assembly: Thank you for this Address and am happy to find by it that you mean to Co-operate with me, in every measure that can tend to the general good of this Province.

25— May 1769 (Sign'd) Montfort Browne

The House Resolved itself into a Committee upon the following Bills, Vizt.

A Bill entitled An Act for the Security of all Persons who shall give Credit in or to this Province.

A Bill entitled An Act to encourage the Settlement of that part of the Province to the Westward of Charlotte County.

And after some time spent therein Mr. Speaker resumed the Chair and Mr. Gauld from the Committee Reported that they had gone through the same and had made several Amendments thereto which they had desired him to report to the House when the House would be pleased to receive the same.

Ordered that the Report be now made.

Then Mr. Gauld in his place Read the said Bills with the Amendments and delivered the same in at the Table where being again Read by the Clerk were agreed unto by the House.

Ordered that the said Bills be Engrossed and Read a Third Time.

The following Bill was received from the Council by their Clerk:

A Bill entitled An Act for Subjecting and making liable to Attachment the Estate Real and Personal of absent Debtors in the Custody or power of any Person or Persons within this Province.

The House adjourned till 9 o'Clock tomorrow morning.

Friday May 26: 1769

The House met according to adjournment.

The Minutes of Yesterday were Read.

The Bill received from the Council entitled An Act for Subjecting and making liable to Attachment the Estate Real and Personal of absent Debtors in the Custody or power of any Person or Persons within this Province, was Read the first Time.

The Engrossed Bills following was Read a Third Time.

A Bill entitled an Act for the Security of all Persons who shall give Credit in or to this Province.

A Bill entitled An Act to encourage the Settlement of that part of this Province lying to the westward of Charlotte County.

Resolved that the said Bills do pass.

Ordered that the Speaker do sign the same.

Ordered that Mr. Comyn and Doct'r Brown be a Committee to carry up the said Bills to the Council and desire their Concurrence to the same, who returning reported the delivery thereof.

The House resolved itself into a Committee upon the following Bills Vizt.

A Bill entitled An Act appointing Vestries and Parish Officers for the Towns of Pensacola & Mobile.

A Bill entitled An Act to prevent Damages by Fire and other Accidents in the Streets of Pensacola.

And after some time spent therein Mr. Speaker resumed the Chair, and Mr. Ross from the Committee reported that they had gone through the said Bills and that they had made several Amendments thereto which they had directed him to report to the House when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Ross read the said Bills with their Amendments and delivered the same in at the Table where being again Read by the Clerk were agreed unto by the House.

Resolved that the said Bills be Engrossed & read a Third Time.

The House adjourned till 9 o'Clock tomorrow Morning.

Saturday May 27th. 1769

The House met according to adjournment.

The Minutes of yesterday were Read.

The Engrossed Bills following were Read a Third Time Vizt.

A Bill entitled An Act for Appointing Vestries and Parish Officers for the Towns of Pensacola & Mobile.

A Bill entitled An Act to prevent Damages by Fire and other Accidents in the Streets of Pensacola.

Resolved that the said Bills do pass.

Ordered that Mr. Speaker do sign the same.

Ordered that Mr. Gauld and Mr. Marshall be a Committee to carry up the said Bills to the Council and desire their Concurrence to the same, who returning reported the delivery thereof.

The Bill received from the Council Entitled an Act for Subjecting and making liable to Attachment the Estate Real and Personal of absent Debtors in the Custody or power of any Person or Persons within this Province, was Read a second Time.

Resolved that the said Bill be Read a Third Time.

The following Bill was Received from the Council by their Clerk.

A Bill entitled an Act for preventing Fraudulent Mortgages and Conveyances for enabling Feine Coverts to pass away their Estates and for making Valid Deeds of Bargain and Sale.

The said Bill was Read a first Time.

The House adjourned till 9 o'Clock Monday Morn'g.

Monday May 29th. 1769

The House met according to adjournment.

The Minutes of Saturday were Read.

Mr. Ross from the Committee for preparing and bringing in Bills presented the following Bills Vizt.

A Bill Entitled An Act for the better regulation of Taverns and Public Houses and for repealing an Act of the General Assembly of this Province Entitled An Act for Granting Licences to Retailers of Spiritous Liquors imposing a Duty on said Licences and for Regulating Taverns and Public Houses.

A Bill entitled an Act for Continuing & Amending a certain Act of the General Assembly of this Province entitled An Act to prevent the Selling of Flour otherwise than by Weight and to regulate the Assize of Bread, which was Read the first Time.

Ordered that the same be Read a Second Time.

A Petition of Joseph De Palacios was received and read Setting forth—

That the Petitioner was become Insolvent and had been Confined upwards of Two Years, and was reduced to the lowest Ebb for the want of necessary Support.

That he was Confined at the Suit of a Monsieur Montberault of New Orleans who lately removed with his Family for Old France, and had left no Orders with his Attorney for the Releasement of the Petitioner— And prayed for relief.

Ordered that the said Petition be referred to the Committee of Grievances.

A Petition of Jeremiah Terry was received and Read Setting forth—

That some time in the year 1768 the Petitioner Imported a Quantity of Board and Shingles from New Orleans to Pensacola, which were taken in Payment of a Debt due to the Petitioner before the passing an Act for laying Duties on said Articles.

That it appeared by said Act not to have been the Intention of the Legislature to lay any hardship to those who had Money due in New Orleans before the Passing said Act which induced them to allow Six Months Time to Import those Articles Duty free (if taken in Payment of Debts due before the passing of said Act).

That the Petitioner could not get in his said Debts within the Time limited by the Act.

That the Duties on the above Articles did Amount to Twenty Eight Pounds Sterling, for which the Petitioner gave his Bond to the Receiver General for the Province.

That he did at the first Meeting of the Assembly after said Importation Petition to be released from Payment of said Duties, but that the said Assembly was soon after Dissolved.— and Prayed for relief.

Ordered that the said Petition be referred to the Committee of Grievances.

The following Bill was received from the Council by their Clerk.

A Bill entitled "An Act to prevent Stealing of Horses and Neat Cattle and for the more Effectual discovery and Punishment of such Persons as shall unlawfully Brand Mark or Kill the same," Which was read a first Time.

Ordered that the same be read a Second Time.

The Bill received from the Council, Entitled "An Act for Subjecting and making liable to Attachment the Estate Real and Per-

sonal of absent Debtors in the Custody or Power of any Person or Persons within this Province," was read a Third Time.

Resolved that the said Bill do Pass.

Ordered that Mr. Speaker do sign the same.

Ordered that Mr. James Ross, and Mr. Gauld be a Committee to carry up said Bill to the Council, who returning reported the delivery thereof.

The Bill received from the Council Entitled An "Act for preventing Fraudulent Mortgages & Conveyances for enabling Feine Coverts to pass away their Estates and for making Valid Deeds of Bargain and Sale," was read a Second Time.

The following Bills were read a Second Time, Vizt.

A Bill entitled An Act for continuing and Amending a Certain Act of the General Assembly of this Province Entitled An Act to prevent the Selling of Flour otherwise than by Weight and to regulate the Assize of Bread."

A Bill Entitled "An Act for the better regulation of Taverns and Public Houses, and for repealing an Act of the General Assembly of this Province Entitled An Act for granting Licences to retailers of Spirituous Liquors imposing a Duty on said Licences and for regulating Taverns and Public Houses."

Ordered that the said Bills be Committed and read a third Time.

The House resolved itself into a Committee upon the Bill Entitled An Act for Continuing and Amending a certain Act of the General Assembly of this Province Entitled An Act to prevent the Selling of Flour otherwise than by Weight and to regulate the Assize of Bread," and after some time spent therein Mr. Speaker resumed the Chair and Dr. Brown from the Committee reported that they had gone through the same and had made several Amendments thereto which they had directed him to report to the House, when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Dr. Brown in his place read the said Amendments and delivered the same in at the Table where being again read by the Clerk, was agreed unto by the House.

Ordered that the said Bill be Engrossed and read a Third Time.

The House adjourned untill Nine o'Clock tomorrow Morning.

Tuesday May 30th. 1769

The House met according to adjournment.

Dr. Brown from the Committee of Grievances to whom the Petitions of Jeremiah Terry and Joseph DePalacios were referred acquainted the House that the Committee had taken into their Consideration the said Petitions, And that they had come to some Resolutions, which they had directed him to report to the House when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Dr. Brown in his place read the said Resolutions and delivered the same in at the Table, where being again read by the Clerk are as follows, Vizt.

1st. Resolved That it is the opinion of this Committee that the House cannot grant any relief to Jeremiah Terry, as the Lumber by him Imported falls under An Act of the General Assembly of this Province imposing certain Duties upon Lumber and other Materials for Building.

2nd. Resolved That it is the Opinion of this Committee That the House cannot grant any immediate relief to Joseph DePalacios but it is the Opinion of the Committee That a Bill be brought in for the Support and Maintenance of Insolvent Debtors during their Confinement.

Resolved that the House do agree to the said Resolutions.

Ordered that the Committee for preparing and bringing in Bills do prepare and bring in a Bill for the above purpose.

The Bill received from the Council Entitled "An Act to prevent Stealing of Horses and Neat Cattle and for the more Effectual discovery and Punishment of such Persons as shall unlawfully Brand Mark or Kill the same," was read a Second Time.

Resolved that the said Bill be Committed.

The Engrossed Bill Entitled "An Act for Continuing and Amending a certain Act of the General Assembly of this Province entitled An Act to prevent the Selling of Flour otherwise than by Weight and to regulate the Assize of Bread," was read a Third Time.

Resolved that the said Bill do Pass.

Ordered that Mr. Speaker do sign the same.

Ordered that Mr. Comyn and Mr. Waugh be a Committee to carry up said Bill to the Council and desire their Concurrence thereto who returning reported the delivery thereof.

Resolved that this House will tomorrow Morning Resolve itself into a Committee of Ways and Means.

The House adjourned till 9 o'Clock tomorrow Morning.

Wednesday May 31st. 1769

The House met according to adjournment.

The Minutes of yesterday were read.

A Petition of William and James Aird was presented and read, Setting forth—

That the Petitioners were employed by the Commissioners of the Market to Floor the Market House of Pensacola and find Materials for the same.

That there is now due to the Petitioners Thirty Dollars for said Services— And prayed Relief.

Ordered that the said Petition do lay upon the Table.

Mr. Waugh, Mr. Carpenter, Mr. David Ross and Mr. Urguhart being absent without leave were ordered into the Custody of the Messenger, And who Severly attending, were ordered to take their Seats, paying their Fees.

Mr. Comyn absenting himself without leave, the Messenger brought him in Custody to the House; And he having made some reflections on the Proceedings of the House; was Ordered to the Bar, And it was Resolved That Mr. Comyn should ask Pardon of the House.

Mr. Comyn accordingly made such Concession as the House required, and was permitted to take his Seat upon paying his Fees.

A Motion was made by Mr. Comyn for leave to resign his Seat, Whereupon he was Ordered to withdraw, and after Debate, the House came to the following Resolution.

Resolved Nem: Con: That Valens Stephen Comyn Esq'r shall not have liberty to resign his Seat.

The following Bill was received from the Council by their Clerk, Vizt.

A Bill entitled "An Act to prevent Masters of Vessels from carrying off Persons in Debt from this Province":

The House according to Order resolved itself into a Committee of Ways and Means, and after some time spent therein Mr. Carpenter from the Committee reported, That they had made some Progress therein and had directed him to move the House for leave to sit again.

Resolved that the House will again tomorrow morning resolve themselves into a Committee of Ways and Means.

Ordered that the Orders of the Day be adjourned over untill tomorrow.

Then the House adjourned untill 9 o'Clock tomorrow Morning.

Thursday June 1st. 1769

The House met According to adjournment.

The Minutes of Yesterday were read.

The Bill received from the Council Entitled "An Act to prevent Masters of Vessels from Carrying of Persons in Debt from this Province," was read a first Time.

Ordered that the same be read a Second Time.

Mr. Carpenter from the Committee for Ways and Means Reported that they had made some further Progress therein and had directed him to move the House for leave to sit again.

Resolved that the House will again this Evening resolve themselves into a Committee of Ways & Means.

The House adjourned till Six o'Clock this afternoon.

The House met according to adjournment.

The House according to Order Resolved itself into a Committee for Ways and Means, And after some time spent therein Mr. Speaker resumed the Chair and Mr. Carpenter from the Committee reported That they had come to a resolution which they had directed him to report to the House when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Carpenter in his place read the said Resolution and delivered the same in at the Table where being again read by the Clerk, was agreed unto by the House; and is as follows Vizt.

Resolved that it is the Opinion of this Committee, That a Bill be brought in for the Granting to His Majesty the Following Duties Vizt.

On all Rum Spirits and other Distilled Liquors Imported into this Province from the Passing of the Bill for this Purpose to be brought in, to the first Day of July 1770, a Duty of Three Pence Sterling pr Gallon to be paid by the Importer.

On all Wines Imported during the said Time a Duty of Twenty Shillings pr Pipe.

On all Negroes Imported from Africa a Duty of Five Shillings Sterling each.

On all Slaves Imported from any of His Majesty's Collonies, such Slaves having resided there Twelve Months a Duty of Five Pounds Sterling for each.

On all Goods and Merchandize Imported by Transient Traders a Tax of 2½ pr Cent.

On all Lumber or other Timber fit for Building Imported into this Province a Duty of Five Pounds Sterling pr Thousand feet.

On all Shingles Imported as aforesaid a Duty of Two Dollars pr Thousand.

On every Thousand Bricks Imported in the manner above mentioned a Duty of Two Dollars pr Thousand.

On every Barril of Pitch Tar and Turpentine Imported as aforesaid a Duty of One Dollar pr Barril.

On every Hundred Weight of Sugars Imported as aforesaid a Duty of One Shilling Sterling.

And that after providing what may be Necessary in Aid of the Contingent Money, the Residue of the Monies arrising from the said Duties shall be appropriated for and towards the Encouragement of Industry by granting Bounties on the Productions of the Country.

A Motion was made that a Bill be brought in for the above purpose.

Ordered that the Committee for preparing Bills do prepare and bring in the said Bill.

A Motion was made that a Bill be brought in for the Encouragement of Industry by granting Bounties on the Productions of this Province.

Ordered that the Committee for preparing Bills do bring in a Bill for the above purpose.

The House adjourned till 9 o'Clock tomorrow Morning.

Friday June 2nd. 1769

The House met according to adjournment.

The Minutes of Yesterday were read.

The Bill received from the Council, Entitled "An Act to prevent the Masters of Vessels from carrying off Persons in Debt from this Province," was read a Second Time.

Ordered that the said Bill be Committed.

The House resolved itself into a Committee upon the Bill entitled "An Act for the better regulating of Taverns and Public Houses and for Repealing an Act of the General Assembly of this Province Entitled an Act for granting Licences to Retailers of Spirituous Liquors Imposing a Duty on said Licences and for regulating Taverns and Public Houses." And after some time spent therein Mr. Speaker resumed the Chair and Mr. Ben. Ward from the Committee, Reported that they had gone through said Bill, and had made Several Amendments to the same which they had directed him to report to the House when the House would be pleased to receive the same.

Ordered that the Report be now received.

Then Mr. Ward in his place read the said Bill with the Amendments and delivered the same in at the Table where being again read by the Clerk was agreed unto by the House.

Ordered that the said Bill be Engrossed and read a third Time.

The House adjourned till 9 o'Clock tomorrow Morning.

Saturday June 3d. 1769

The House met according to adjournment.

The Minutes of yesterday were read.

Mr. James Ross from the Committee for preparing and bringing in Bills reported That they had prepared a Bill to Encourage Industry by granting Bounties on the Productions of the Province and desired to know when the House would be pleased to receive the same.

Ordered that the said Bill be presented and read.

The said Bill was read a first Time.

Ordered that the same be read a Second Time.

Ordered that the Order of the Day be adjourned over untill tomorrow.

The House adjourned till 9 o'Clock Monday Morning.

Monday June 5th. 1769

The House met according to adjournment.

Ordered that the Orders of the Day be adjourned over untill tomorrow.

The House adjourned till 9 o'Clock tomorrow Morning.

Tuesday June 6th. 1769

The House met according to adjournment.

The Minutes of Saturday were read.

The Engrossed Bill entitled "An Act for the better regulation of Taverns and Public Houses and for Repealing an Act of the General Assembly of this Province Entitled An Act for granting Licences to Retailers of Spirituous Liquors Imposing a Duty on said Licences and for Regulating Taverns and Public Houses," was read a Third Time.

Resolved that the said Bill do Pass.

Ordered that Mr. Speaker do Sign the same.

The Bill entitled An Act to encourage Industry by granting Bounties on the Productions of the Province was read a Second Time.

Ordered that the said Bill be Committed.

The House resolved itself into a Committee upon the Bill received from the Council entitled "An Act to prevent Stealing of Horses and Neat Cattle and for the more effectual discovery and punishment of such Persons as shall unlawfully Brand Mark or Kill the same." And after some time spent therein Mr. Speaker resumed the Chair and Mr. Lizars from the Committee reported that they had gone through the Bill and that they had made Several Amendments thereto which they had directed him to report to the House when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Lizars in his place read the said Amendments and delivered the same in at the Table where being again read by the Clerk, were agreed unto by the House.

The House adjourned till 10 o'Clock tomorrow Morning.

Wednesday June 7th. 1769

The House met according to adjournment.

The Minutes of Yesterday were read.

The House resolved itself into a Committee upon the Bill entitled "An Act to encourage Industry by granting Bounties on Productions of the Province." And after some time spent therein Mr. Speaker resumed the Chair, and Mr. Gauld from the Committee reported that they had gone through the said Bill, and had made several Amendments thereto, which they had directed him to report to the House when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Gauld in his place read the said Amendments and delivered the same in at the Table where being again read by the Clerk were agreed unto by the House.

Ordered that the said Bill be Engrossed and read a Third Time.

Mr. Ross from the Committee for preparing and bringing in Bills reported that they had prepared a Bill for granting unto His Majesty certain Duties and for appropriating the same to certain purposes." And desired to know when the House would be pleased to receive the same.

Ordered that the same be now received.

The same was accordingly received, and read a first Time.

Ordered that the same be read a Second Time.

The House adjourned till 9 o'Clock tomorrow Morning.

Thursday June 8th. 1769

The House met according to adjournment.

The Minutes of Yesterday were read.

The Bill Entitled "An Act for Granting unto his Majesty certain Duties and for appropriating the same to certain purposes," was read a Second Time.

Ordered that the said Bill be Committed.

The Engrossed Bill Entitled "An Act to Encourage Industry by granting Bounties on the Productions of this Province," was read a Third Time.

Resolved that the said Bill do Pass.

Ordered that Mr. Speaker do sign the same.

Ordered that Dr. Brown and Mr. Carpenter be a Committee to carry up the following Bills to the Council and desire their Concurrence thereto.

A Bill Entitled "An Act for the better Regulation of Taverns and Public Houses and for Repealing an Act of the General Assembly of this Province entitled An Act for granting Licences to retailers of Spirituous Liquors imposing a Duty on said Licences and for Regulating Taverns and Public Houses."

A Bill entitled "An Act to Encourage Industry by granting Bounties on the Productions of this Province." Who returning reported the delivery thereof.

A Message from the Council importing that they could not agree to the Bill entitled An Act to encourage the Settlement of that part of this Province to the Westward of Charlotte County without a Suspending Clause.

Ordered that the following Message be sent to the Council.

May it please your Honors, We are ordered by the House to acquaint you That they desire a Conference with your Honors upon the Bill entitled an Act to encourage the Settlement of that part of this Province lying to the Westward of Charlotte County," at such Time as your Honors may be pleased to appoint.

Ordered that Mr. Ross and Mr. Marshall do wait upon their Honors with the same who returning reported the delivery thereof.

Mr. Ross from the Committee for preparing and bringing in Bills reported that they had prepared a Bill for the Relief of Debtors who may be Confined in Gaol and are unable to support themselves during such their Confinement," and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received.

The said Bill was received and read a first Time.

Ordered that the said Bill be read a Second Time.

The Bill entitled "An Act for the Relief of Debtors who may be confined in Gaol and are unable to support themselves during such their Confinement," was read a Second Time.

Ordered that the said Bill be Engrossed and read a Third Time.

The following Message received from the Council.

Mr. Speaker, In Answer to your Message desiring a Conference with this House on the Bill entitled "An Act to encourage the Settlement of that part of this Province lying to the Westward of

Charlotte County," This House doth agree thereto immediately in the Council Chamber.

Ordered that Mr. Gauld Mr. James Ross Mr. Urguhart and Mr. Marshall be a Committee to attend the Council at the proposed Conference.

Mr. Ross from the Committee for holding a Conference with the Council upon the Bill entitled "An Act to encourage the Settlement of that part of this Province lying to the Westward of Charlotte County," having obtained leave of the House Reported that they had had a Conference with the Council, and that they adhered to the Suspending Clause.

Resolved that the House do agree to the Suspending Clause in the Bill entitled "An Act to encourage the Settlement of that part of this Province lying to the Westward of Charlotte County."

The Bill received from the Council entitled an Act to prevent Stealing of Horses and Neat Cattle and for the more effectual discovery & Punishment of such Persons as shall unlawfully Brand Mark or Kill the same," was read with the Amendments a Third Time.

Ordered that the said Bill with the Amendments do Pass.

Ordered that Mr. Speaker do sign the same.

The House resolved itself into a Committee upon the Bill received from the Council Entitled "An Act to prevent Masters of Vessels from carrying of Persons in Debt from this Province," and after some time spent therein Dr. Brown from the Committee reported that they had made some Progress Therein, and had directed him to move the House for leave to sit again.

Resolved that the House will again tomorrow morning resolve itself into a Committee upon the said Bill.

The House adjourned till 9 o'Clock tomorrow Morning.

Friday June 9th. 1769

The House met according to adjournment.

The Minutes of Yesterday were read.

Mr. Wegg attending Mr. Urguhart by virtue of the Dedimus to him and others directed Administered to him the usual Oaths who took the same and made and subscribed the Declaration.

A Motion was made by Mr. Wegg That as Mr. Gordon had been Speaker during the former part of this Session, That he

might continue Speaker during the whole Session, which was agreed unto by the House.

The following Message was sent to the Council.

May it please your Honors, We are ordered by the House to acquaint your Honors That they have passed a Bill entitled "An Act to prevent Stealing of Horses and Neat Cattle and for the more Effectual Punishment of such Persons as shall unlawfully Brand Mark or Kill the same," with some Amendments to which they desire your Honors Concurrence.

Ordered that Mr. Urguhart and Mr. D. Ross do carry up the same to the Council, who returning reported the delivery thereof.

The House resolved itself into a Committee upon the Bill entitled "An Act for granting to His Majesty certain Duties and for appropriating the same to certain purposes." And after some time spent therein Mr. Speaker resumed the Chair and Mr. Urguhart from the Committee reported That they had gone through the said Bill, and that they had made several Amendments thereto which they had directed him to report to the House when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Urguhart in his place read the said Amendments and delivered the same in at the Table where being again read by the Clerk was agreed unto by the House.

Ordered that the said Bill with the Amendments be Engrossed and read a Third Time.

The following Message was received from His Honor the Lieutenant Governor by his Secretary:

Gentlemen of the General Assembly, I have his Majesty's Commands to acquaint you That the Plan upon which Indian affairs have been hitherto Conducted being found (in some things) Defective for want of the Concurrence of the Legislative Bodies in the Colonies, and a due authority in the Superintendents, His Majesty has been pleased out of his gracious Condescention to Commit the future Regulations of these important matters to the care of the Legislative Bodies in the Colonies.

In Consequence of which I trust you will without delay take the Indian Trade into your Consideration and Frame such Laws as may be most Conducive to the well regulating that valuable Brand of Commerce.

The Objects which upon this Occasion will principally demand your attention are to provide *by the* Effectual Laws for preventing any Settlement being made beyond the Line That shall be *agreed upon* by the Indians, to prevent Spirituous Liquors being carried to the Nations, and for the Controul and punishment of those atrocious Frauds and abuses which have been practised by Traders and have been the Principal Cause of the disaffection of the Savages. I shall Order the Report of the Right Honourable the Lords of Trade to his Majesty on these matters to be laid before you for your further information.

(Sign'd) Montfort Browne

Ordered that the following Message be sent to his Honor the Lieutenant Governor:

May it please your Honor— We are ordered by the House to acquaint your Honor That they have taken into Consideration the Message they received from your Honor this Morning and will with all possible expedition Consult the Gentlemen concerned in the Indian Trade and will endeavour by the most effectual means to settle the Trade upon a Fixed and Just Foundation.

Ordered that Mr. Attorney General and Mr. Urguhart be a Committee to carry said Message to his Honor who returning reported the delivery thereof.

The House adjourned till tomorrow Morning 9 o'Clock.

Saturday June 10th. 1769

The House met according to adjournment.

The Minutes of Yesterday were read.

The Engrossed Bill Entitled "An Act for the Relief of Debtors who may be confined in Gaol and are unable to support themselves during their Confinement," was read a Third Time.

Resolved that the said Bill do Pass.

Ordered that Mr. Speaker do sign the same.

Mr. Gauld from the Committee for preparing and bringing in Bills reported that they had prepared a Bill for "Regulating Weights," and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received.

Mr. Gauld presented the said Bill which was read a first time.

Ordered that the same be read a Second Time.

The Bill Entitled "An Act for Regulating Weights" was read a Second Time.

Ordered that the said Bill be Engrossed and read a Third Time.

The House resolved itself into a Committee upon the Bill Entitled "An Act for preventing Fraudulent Mortgages and Conveyances for enabling Feine Coverts to pass away their Estates for making Valid Deeds of Bargain and Sale." And after some time spent therein Mr. Speaker resumed the Chair and Mr. Wegg from the Committee Reported that they had gone through the said Bill and made several Amendments therein which they had directed him to report to the House when the House would be pleased to receive the same.

Ordered that the report be now received.

Then Mr. Wegg in his place read the said Amendments and delivered the same in at the Table where being again read by the Clerk were agreed unto by the House.

Ordered that the said Bill with the Amendments be read a Third Time.

A Motion was made that Mr. Francis Poussett should be chosen Treasurer.

Another Motion was made that Mr. David Ross should be chosen Treasurer.

And the Question being put to the Vote was carried for the former.

The Engrossed Bill Entitled "An Act for Regulating Weights" was read a Third Time.

Resolved that the said Bill to Pass.

Ordered that Mr. Speaker do sign the Same.

The Bill entitled "An Act for preventing Fraudulent Mortgages and Conveyances, for enabling Feine Coverts to pass away their Estates and for making Valid Deeds of Bargain and Sale," was read a Third Time.

A Motion was made and agreed to that an Exact State of the Monies paid to the Members of the Former Assemblies may be entered on the Minutes.

Mr. Gauld from the Committee appointed to Tax the Costs of the Scrutiny into the Election at Campbell Town during the late

Assembly, Reported that the said Committee had enquired into the same, and had Taxed the same at the Sum of Eleven Pounds One Shilling and Ten Pence halfpenny.

Ordered that John Campbell, John Allen Martin and Campbell Voters do in equal shares pay to Thomas Hardy Clerk to this House the aforesaid Sum, agreable to the resolution of the late Assembly.

The House adjourned till 9 o'Clock Monday Morning.

Monday June 12th. 1769

The House met according to adjournment.

The Minutes of Saturday were read.

Ordered that Mr. David Ross and Mr. Marshall be a Committee to carry up the following Bills to the Council and desire their Concurrence to the same.

A Bill entitled "An Act for the Relief of Debtors who may be confined in Gaol and are unable to support themselves during such their Confinement."

A Bill entitled "An Act for Regulating Weights," who returning reported the delivery thereof.

Ordered that Mr. Gauld and Mr. Waugh do wait upon his Honor the Lieutenant Governor and acquaint him That they had made Choice of Francis Poussett Esq're for Public Treasurer, who returning reported that His Honor was pleased to say, That he could not agree to it.

The House adjourned till 10 o'Clock tomorrow Morning.

Tuesday June 13th. 1769

The House met according to adjournment.

The Minutes of Yesterday were read.

A Motion was made and agreed to that a Committee be appointed to wait upon his Honor the Lieutenant Governor and in the Name of the House desire to know what his particular objection to the Choice of a Treasurer is.

Ordered that Mr. Waugh and Mr. Gauld do wait upon his Honor accordingly who returning reported That they had attended his Honor and that he was pleased to say That he had no objection to the Man, but that it was out of his power to agree to the Measure.

A Motion was made and agreed to that the following Message be sent to His Honor the Lieutenant Governor:

May it please your Honor, We are ordered by the House to acquaint your Honor, That as your Honor has been pleased to object to their choosing a Treasurer They apprehend there is in them a Right of Recommending a Proper Person to Execute that office and accordingly have ordered Us in the name of the whole House to recommend Frans. Poussett Esquire for your Honors appointment.

Ordered that Mr. James Ross and Mr. Lizars do wait upon his Honor with the same who returning reported the delivery thereof, And that his Honor was pleased to say That he would send an Answer tomorrow.

The House adjourned till 10 o'Clock tomorrow morning.

Wednesday June 14th. 1769

The House met according to adjournment.

The Minutes of Yesterday were read.

A Motion was made that the House do enquire whether they have or have not a right to appoint a Register for the Recording of Deeds and Conveyances made in this Province. Whereupon a Debate arose and many Precedents were produced, as well from the Laws of England as from those of the Colonies in Support of the Houses right of Appointment. Whereupon the House came to the following Resolution.

Resolved that this House have a right to Appoint a Person to Record Deeds and Conveyances made in this Province.

And the Question being put who should be appointed, The House came to the following Resolution.

Resolved Nem. Con. That Mr. John Crozer be Appointed Register of Deeds and Conveyances made in this Province, And that an Additional Clause be prepared to the Bill received from the Council, Entitled "An Act to prevent Fraudulent Mortgages and Conveyances for Enabling Feine Coverts to pass away their Estates and for making Valid Deeds of Bargain and Sale," for the Appointment of John Crozer.

A Motion was made that a Bill be brought in for holding Special or Extraordinary Courts of Common Pleas for the Tryal of Cases arising Between Merchants, Dealers and others and Ship-

masters, Supercargoes and other Transient Persons. Upon which a Debate arose and being put to the Vote was carried in the affirmative.

Ordered that the Committee appointed to prepare and bring in Bills do bring in a Bill for that purpose tomorrow Morning.

The following Message was received from his Honor the Lieutenant Governor.

Gentlemen, In answer to your Message of Yesterday relative to a Treasurer, I must inform you, That as the Sole right of appointment is in me You may rely on my appointing a proper Person to that Office. (Sign'd) Montford Browne.

Mr. James Ross and Mr. Lizars who were sent Yesterday with the Message to his Honor informed the House that His Honor added to his promise of sending an Answer to their Message then delivered this Morning, "That he had on the Second Day of this Session promised the Office of Treasurer to a Gentleman to whom he must speak before he could agree to the Recommendation of the House. Upon which a Motion was made & agreed to that Mr. Ross and Mr. Lizars be appointed a Committee to wait upon his Honor and Confer with him. Who returning reported that they had waited upon his Honor the Lieutenant Governor and had requested of him to inform the House when he intended to appoint a Treasurer, That His Honor said that he did not choose to satisfy the House therein as that appointment was Solely in the Crown, And that the Lieut. Governor would do therein as he thought proper.

Whereupon the House came to the following Resolutions Vizt.

Resolved Nem. Con. That this House Will not proceed further to the passing of a Bill entitled "An Act for Granting unto His Majesty certain Duties and for appropriating the same to certain purposes," brought in this present Session, untill the Person to be appointed Treasurer and the Security by him to be given for the due Execution of his Office pursuant to the said Act, be first made known unto and meet with the approbation of this House.

The House adjourned till 10 o'Clock tomorrow Morn'g.

Thursday June 15th. 1769

The House met according to adjournment.

The Minutes of Yesterday were read.

Ordered that Mr. Marshall and Mr. Waugh do wait upon his Honor the Lieutenant Governor and desire that the House may

have leave to adjourn themselves for Eight Days in order to prepare their Bills for passing, the Business of this Session being now ended, who returning reported that his Honor would send them an Answer in half an hour.

The Clerk of the Council by order of His Honor the Lieutenant Governor informed the House in (answer) to their Message of this Morning desiring to be adjourned for Eight Days, That it was necessary the General Assembly should sit tomorrow for the Reading a Third Time Two Bills in the Upper House, And that he would tomorrow send them an Adjournment as they desired.

The House adjourned till 10 o'Clock tomorrow morning.

Friday June 16th. 1769

The House met according to adjournment.

The Minutes of Yesterday were read.

The following Message were received from His Honor the Lieutenant Governor by the Clerk of the Council:

Mr. Speaker & Gentlemen of the Assembly, I do hereby adjourn the Commons House of Assembly untill Friday the Twenty Third day of June Instant, then to meet for the dispatch of Business, and you are hereby adjourned accordingly.

Given under my Hand at Pensacola the Sixteenth Day of June 1769. (Sign'd) Montfort Browne.

Avoiding all disputes relative mere Forms The House adjourned itself untill Friday the Twenty third Day of June Instant.

Friday June 23rd. 1769

The House met according to adjournment.

The Minutes of June 16th. were read.

Mr. Speaker laid before the House a Letter he had received from Samuel Hannay Esquire their Agent, enclosing a Letter from Mr. Hannay to the Right Honorable the Earl of Hilsborough, a Memorial from the Merchants of the City of London, and another Memorial from the Merchants of Liverpool Trading to West Florida, severally addressed to His Lordship which were read by the Clerk.

Ordered that the same be referred to the Committee of Correspondence.

Ordered that Francis Poussett Esq'r who was Speaker of the Second Assembly of this Province do attend this House tomorrow morning, and lay before them True Copies of all such Letters as were by him sent to Samuel Hannay Esquire their Agent.

Ordered that Edmund Rush Wegg Esq'r Speaker of the late Assembly do lay before the House at same Time a Copy of his Letter to Admiral Parry, pursuant to the Order of this House.

A Motion was made that the Treasurer be ordered to pay Mr. Thomas Hardy the Sum of Seven Pounds for a Copy of the Journals of this House sent to the Provincial Agent.

Ordered that Daniel Clarke Esq'r late Treasurer do immediately pay to Thomas Hardy the aforesaid Sum of Seven Pounds, out of the Money's now remaining in his Hands.

Ordered on Motion That the said Daniel Clarke do also immediately pay out of the Monies in his Hands to Mr. David Ross Five Pounds Sterling being the Amount of a Certificate by the Hon'ble William Clifton Esq'r to Nath'l Thompson as Doorkeeper of the Council.

The House adjourned till 10 o'Clock tomorrow Morn'g.

Saturday June 24th. 1769

The House met according to adjournment.

The House adjourned till 10 o'Clock Monday Morning.

Monday June 26th. 1769

The House met according to adjournment.

The Minutes of Friday and Saturday were read.

Francis Poussett Esq'r attending according to order laid before the House Copies of his Letters to Samuel Hannay Esq'r.

Mr. Wegg laid before the House a Copy of his Letter to Admiral Parry according to order of this House which was read and approved of.

The House adjourned till 10 o'Clock tomorrow Morning.

Tuesday June 27th. 1769

The House met according to adjournment.

The House adjourned till 10 o'Clock tomorrow Morning.

Wednesday June 28th. 1769

The House met according to adjournment.

The House adjourned untill 10 o'Clock tomorrow Morning.

Thursday June 29th. 1769

The House met according to adjournment.

Mr. Comyn from the Committee appointed to examine the Public Accounts Reported that they had gone through the same, and found a Ballance due the Public of Seventy Six Dollars Eight Rials and at same Time delivered to the House the Account thereof as the same had been stated by said Committee.

Ordered that the said Account, as also the Account of the Monies Charged in the Treasurers Accounts as paid to the Members of the Assembly on Account of their Wages, be entered at the End of the Session.

A Message received from His Honor the Lieu't Governor by the Messenger of the Council, desiring the House's attendance immediately, in the Council Chamber.

Then Mr. Speaker and the whole House attended His Honor, when he was pleased to give his Assent to the following Bills Vizt.

"An Act to Encourage the Settlement of That part of this Province lying to the Westward of Charlotte County."

"An Act for the Relief of Debtors who may be Confined in Gaol and are unable to support themselves during such their Confinement."

"An Act to prevent Dangers by Fire and other Accidents in the Streets of Pensacola."

"An Act appointing Vestries and Parish Officers for the Towns of Pensacola and Mobile."

"An Act to prevent Stealing of Horses and Neat Cattle and for the more effectual Discovery and Punishment of such as shall unlawfully Brand Mark or Kill the same."

"An Act for subjecting and making liable to Attachment the Estate Real and Personal of absent Debtors in the Custody or Power of any Person or Persons within this Province."

Then His Honor was pleased to Prorogue the General Assembly to Monday the Seventh Day of August next.

(ACCOUNTS ENTERED AT END OF THE JOURNALS)

Dr. The Public Treasurer

To over charges in the Account of 1767 Vizt.

c/o the Article of Dr. 89	.. 1		
charged for Books	32 Do	... 1	
c/o Overcharge on Commission on the Assemblymens Wages	23	.. 7¾	55 .. 8¾
To an Overcharge on Drawbacks allowed Jacob Blackwell			9 .. 7
c/o Francis Poussett's Account not allow'd			18 .. ....
c/o Cash paid William Aird being twice charged			28 .. ....
			Dr. 111 .. 5¾

Contra Cr.

1769

May 16 By Ballance of Account of this date due the Treasurer		34 .. 7¾
By Ballance do to the Province by the Treasurer		76 .. 8
		Dr. 111 .. 5¾

An Account of Monies charged in the Treasurers Accounts as paid to the Members of the Assembly on Account of their Wages, Vizt.

To Francis Poussett	Dr. 196 .. 4½	
To Ditto	86 .. 4¾	242 .. 9¼
To Henry Lizars		94 .. 2½
To John Crozer		47 .. 1½
To Daniel Clarke		105 .. ..
To Arthur Neil		32 .. 1
		561 .. 4¼

To the following Orders the Amount of which appears to have been applied to Charitable Uses Vizt.

Alexander Moore, James Ross, John Crozer, John Weir, Benjamin Ward, John Lorimer, and William Aird's Order in favor of Israel Boardman for £25 . . - . . - Sterling	107 . .	1½
John Crozer, James Ross, Benjamin Ward, William Aird, and Alexander Moore's Order in favor of Richard Payne for £15 . . - . . -	64 . .	2½
Alexander Moore's Order in favor of Mrs. Micks for Barnet Dawney's Sick Quarters	9 . .	.....
James Ross's Order to John Lorimer on Acco't of the Expences of an Hospital at Pensacola	10 . .	.....
John Lorimers Order for the Hospital	13 . .	.....
Alexander Moore's Order for Do	17 . .	.....
Ditto's Order for a Passage of a Poor object to Carolina	12 . .	.....
Mathew McHenry's Order to John Anderson for the Support of an Orphan	31 . .	.....
James Ross, John Crozer, John Lorimer, Benjamin Ward, and William Aird's Order to James Mitchell to defray the Expences of Printing certain Laws of the Assembly, and Purchasing Books £15 . . - . . - Sterling	64 . .	3
Dr . .	889 . .	2¼

THE EXALTED ENTERPRISE
(THE MISSISSIPPI QUESTION: THE LOUISIANA ANSWER)*

By WILLIAM C. HOLMES

The so-called Mississippi Question long had been a thorn in Thomas Jefferson's side before he extracted it and thrust it into the body of the Seventh Congress of the United States which convened December 2, 1802. Throughout the second session of the proceedings and deliberations of that period of five months, the Question continued to vex and harass both houses of the Congress in their efforts to remove it. One group of legislative physicians prescribed a course of permitting the nature of diplomacy to run its course, while another group insisted on use of the scalpels and forceps of military surgery and performing an emergency operation. Jefferson was the consulting physician who gave advice and counsel to the temporizing physicians from behind the closed doors of the White House clinic.

The Question became a problem that was the subject of lengthy and heated debates. It had developed from denial of the right of settlers in the so-called western states of Pennsylvania, Ohio, Kentucky, Tennessee and the Mississippi Territory to "deposit" their river shipments at the port of New Orleans. The City long had been under the dominion of Spain, and so continued until the Treaty of San Ildefonso which was executed between Spain and France on October 1, 1800. Therein Spain retroceded to France the territory afterwards referred to by America as the Louisiana Purchase. The free navigation of the Mississippi River and the right of "deposit" in the "island of New Orleans" had been solemnly acknowledged and fixed between the United States and Spain by treaty in 1795.[1] Therefore, the compact had been in operation and

* Paper read before the Louisiana Historical Society at its regular meeting on Tuesday, April 25, 1939.

[1] "By the Treaty of Peace with Great Britain in 1783, by the Treaty of Amity, Commerce and Navigation with her in 1794, and by the Treaty of Friendship, Limits, and Navigation with Spain in 1795, the right of free navigation of the Mississippi is recognized, and declared to exist from its source to the ocean, in the citizens of the United States. By the 22nd article of the Treaty with Spain, it is declared that, 'in consequence of the stipulations contained in the 4th article, his Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandise and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores. And His Majesty promises either to continue this permission if he finds during that time that it is not prejudicial to the interests of Spain; or, if he should not agree to continue it there, he will assign to them, on another part of the lands of the Mississippi, an equivalent establishment.' The 22nd article, granting the right of deposit, is, therefore, founded upon the 4th article recognizing the right of free navigation, and is intended to give full and complete efficacy to it."—(Rives' *Abridgments*, Vol. II.)

execution for several years. The peremptory denial of the right of deposit to Americans under date of October 16, 1802, by Morales, the Spanish Intendant General at New Orleans, further forbidding Americans from landing on any part of the Spanish Province, was the thrust in the flesh that caused the peace-loving Jefferson to wince.

We find in the treaty of 1795 a specific provision that the use of the port was to be allowed to the citizens of the United States for a period of three years. There also was an alternative provision in the document that if Spain should find that the prescribed use of the deposit should be prejudicial to the interests of Spain, or if His Catholic Majesty should not agree to continue the right of deposit at that place, then and in that event he was to "assign to them on another part of the banks of the Mississippi an equivalent establishment."

The Spanish Intendant General's peremptory denial of the use of the port had embraced no expression of intention to fulfill the alternative provision. Thus it was that American shipping which had been passing through New Orleans found itself high and dry at established points of embarkation which even in those days were numerous, and largely were the centers of population which were increasing constantly and thriving on the commerce and traffic of the primitive flatboats that plied the Father of Waters. It then was not to be wondered that when Jefferson thrust the thorn into the flesh of Congress, there were cries of righteous indignation and political pain directed against the Spanish "daring interdiction", "violent aggression" and an "insult which should be engraven on tablets of brass with a pencil of steel!"

In Jefferson's Second Annual Message to the Congress, dated December 15, 1802, appears the first public official reference to the retrocession of the Louisiana Territory by Spain to France then by him unknown to have occurred definitely in October, 1800. He said this:

> The cession of the Spanish Province of Louisiana to France, which took place in the course of *the late war*, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the Legislature connected with that subject.

Evidently the House physicians felt that the bulletin which had been issued from the White House clinic concerning the state of the Union was insufficiently definite for them to diagnose the

nation's ailment and prescribe a proper cure. On December 17, 1802, they called on the President for more information. On December 22 he transmitted to the House a message in which he refers to "the irregular proceeding at New Orleans", meaning of course the summary action of the Spanish Intendant General. On December 30 he transmitted to the House additional data on the subject-matter, which he said had been "recently received", with the following rather suave communication:

> Although an informal communication to the public of the substance of the inclosed letter may be proper for quieting the public mind, yet I refer to the consideration of the House of Representatives whether the publication of it in form might not give dissatisfaction to the writer and tend to discourage the freedom and confidence of communications between the agents of the two Governments.

The message relates to a letter received by him from Governor William C. C. Claiborne of the Mississippi Territory in turn transmitting a copy of a communication which had been received by Claiborne from the Governor General of the Spanish Province of Louisiana, one Manuel de Salcedo. Salcedo's letter is most interesting with respect to the responsibility for closing the port of New Orleans to American shipping. He stated specifically that the King of Spain had issued no orders or directions for closing the port. He "passed the buck" in accustomed diplomatic form. He placed the responsibility squarely upon the shoulders of the Intendant General, but in the same breath exonerated him of liability, claiming that the Intendant in his own department was independent of the General Government of Spain. The Governor General stated, however, "in conformity with the royal commands (the peace in Europe having been published since May 4th last) . . . , the Intendant General thought proper to suspend the tacit prolongation which continued, and to put a stop to the infinite abuses which resulted from the deposit. . . , in consequence of the . . . frauds which have been committed and which it has endeavored to excuse under the pretext of ignorance, . . . thus defrauding the royal interests". He further stated that the Intendant General should not have assumed to prolong the period of the deposit or of his own volition have designated another place of deposit on the banks of the Mississippi.

We have not been enabled to locate any public record of the alleged frauds. The truth of the matter probably was that the

amount of American shipping deposited in New Orleans was worth about $2,000,000 a year, but the fees and charges accruing to the Spanish Government were negligible. Spain needed money and plenty of it, and even then small contributions had been welcome.

The Governor General's explanation of the summary action of the Intendant General at New Orleans evidently did not satisfy the minds of those members of the House and Senate who were unskilled in the devious ways of diplomacy and official evasion. The discussions in both branches of the Congress disclose a growing sentiment that either the Intendant General should be chastised as an officious upstart by an immediate occupation of New Orleans *vi et armis* or His Catholic Majesty should be taught a lesson in warfare by the Great American people; this latter, mind you, in face of the fact that we were a puny nation hardly out of its swaddling clothes, with a navy that was approximately seventy-five percent courage and twenty-five percent effectiveness, and a regular army that was irregularly manned and inefficiently equipped.

After the patriotic pot had boiled for a few days, the feelings of Representatives simmered down to a state of calmer thought and more deliberate action. In executive session of the House on January 5, 1803, there was proposed a resolution approving the peaceable course of the President and expressing confidence in his "vigilance and wisdom".

The debates in the House commenced in full force from the adoption of the resolution. (It appears that it had been introduced by Mr. Randolph.) There was pointed debate as to whether the data sought should be discussed in public or considered behind closed doors. Griswold of Connecticut was for public debate, Randolph for confidential committee discussion. Mr. Randolph prevailed. The discussions thereafter covered varied subjects—whether or not Spain had the right to cede the Louisiana Territory to France without the consent of the United States of America; whether or not any provision had been made in the retrocession for the unobstructed navigation of the Mississippi by Americans and the deposit of their goods at New Orleans; whether or not President Jefferson should have undertaken to protest the cession on behalf of the American people; whether if he were in possession of confidential data relating to the cession he should be required to submit them to the House, and even whether or not we should go to war with Spain for the action ascribed to the Spanish Intendant

at New Orleans. The arguments in favor of diplomatic procedure looking to amicable adjustment, which end was proposed by President Jefferson, were headed by Mr. Randolph of Virginia; the opposition was led by Mr. Griswold of Connecticut.

The next and most specific reference to the alleged action of the Spanish Government is embodied in Jefferson's message dated January 11, 1803, to the Senate and by that body considered in executive session. Therein he said:

> The cession of the Spanish Province of Louisiana to France and perhaps of the Floridas, and the late suspension of our right of deposit at New Orleans, are of primary interest to the United States.

Of course his reference to the cession relates to the cession by Spain to France in 1800. We shall have occasion later to consider the proposition of the cession.

We are now concerned with Jefferson's reference to "the late suspension of our right of deposit at New Orleans". That was the situation which brought forth the problem-child which Congress promptly called the Mississippi Question, and by that name it ever since has been known. (It is interesting to note, however, that this was not the first time that vexations had arisen to plague the Government respecting shipping on the Mississippi and a place of deposit for goods that traveled down its current.)

There had been a "design" proposed to the old Confederation to surrender the navigation of the Mississippi for twenty-five or thirty years in return for some commercial privileges from Spain. James Monroe of Virginia, then a member of the Confederation from that state, mainly was instrumental in defeating the plan and, according to Rives, "deserved still higher rewards than honor and gratitude".

The Confederation discussed the proposed "design" in secret session after a series of conferences or negotiations with a minister of Spain especially appointed and sent to America for that purpose. Apparently, there was considerable reluctance on the part of members of the Confederation afterwards to divulge the history of this transaction. (They probably were ashamed of their participation in such an abortive attempt at alienation.) Nevertheless, in the debates of the Virginia Convention in 1788, Mr. Monroe at some length discussed the secret conferences and discussions. He summarized the proposition and explained his opposition to subsidizing the River to a foreign power.

The debates on the Mississippi Question had continued for approximately a month in the House before the subject assumed any importance in discussions in the Senate. It was on February 14, 1803, that Senator James Ross of Pennsylvania vehemently addressed himself to the alleged action of the Spanish Government and proposed a resolution "That the late infraction of such their (U. S.) unquestionable right is an aggression hostile to their honor and interests". His resolution proceeded to authorize the President to take immediate possession of the "island of New Orleans", and that he be authorized to call into actual service any number of the militia of Georgia, South Carolina, Ohio, Kentucky, Tennessee, or the Mississippi Territory, not exceeding 50,000 and to employ them, together with the military and naval forces of the Union for effecting said objects; and the resolution further provided that the sum of $5,000,000 be appropriated for carrying into effect said purposes. (It is interesting to observe that Ross, a Senator from Pennsylvania, while beating the tom-toms to arouse the Senators to vote for his resolution, carefully had omitted the name of his own state from the document. Apparently, if any fighting were to be done for the Mississippi settlers, his state's militia were to be not embroiled.)

The introduction of Ross' resolution was the opening gun for a long siege directed against conservative Senators, among whom were Clinton of New York, Breckenridge of Kentucky and Jackson of Georgia, the contest often involving desultory attacks against President Jefferson himself. The Ross resolution, together with another and more peaceable proposal by Breckenridge, occupied considerable time during the latter half of the Seventh Session of the Congress, finally resulting on February 25, 1803, in the passage of the Breckenridge resolution which in substance authorized the President, "*whenever he shall judge it expedient*, to require the Governors of the several States to take effectual measures to arm and equip and hold in readiness to march, *at a moment's warning*, 80,000 effective militia." Of course, the amount of funds to be appropriated was left to the House inasmuch as that was and is the body in which all appropriations must arise. The resolution vested considerable discretion in the President, and therefore it safely may be said that the Administration won the skirmish which resulted from the Mississippi Question. In passing it may be said that the controversy developed no sectional animosities. Although the settlers in the so-called Western States of Kentucky, Tennessee,

Pennsylvania, Ohio and the Mississippi Territory most were concerned with the closing of the port of New Orleans against their shipping, the debates brought out the fact that a portion of the strongest support of the belligerent resolution of Ross of Pennsylvania came from the Senators representing the Eastern States; and the Federalists had joined in the clamor for war hoping to harass the administration then in power.

Senator Mason of Virginia made the following cryptic remarks on the subject:

> The Senate at this moment, presents a very extraordinary aspect; and by those not acquainted with our political affairs, it would appear a political phenomenon. Here we see a number of people from the Eastern States and the seaboard. filled with the most extreme solicitude for the interest and rights of the Western and inland States; while the representatives of the Western people themselves appear to know nothing of this great danger, and to feel a full confidence in their Government. The former declaring that the Western people are all ready to revolt and open to seduction; the latter ignorant of any such disposition, and indignant at the disgrace which is thrown on their character. In their great loving-kindness for the Western people, those new friends of theirs tell them that they are a simple people, who do not know what is good for them, and that they will kindly undertake to do this for them. From the contiguous States of South Carolina, Georgia, Tennessee, and Kentucky, (Those States from which the gentleman from Pennsylvania, by his resolutions proposes to draw the militia,) every member of this House is opposed to war; but from the East, (and one can scarcely refrain from laughing, to hear of the all-important representatives of the State of Delaware in particular,) such is the passion for the wonderful, or the absurd, there prevails the liveliest sensibility for the Western country!

Congress adjourned on March 4, a week after the passage of the resolution, without any further action having been taken thereon. The Mississippi Question still was a question unanswered in March, 1803; and it never was answered— it was *settled* in a manner quite different from that proposed by the aforesaid resolution. It was settled by the Louisiana Purchase covenanted on April 30, 1803.

We have seen that under date of December 15, 1802, in his Second Annual Message to Congress, Jefferson had written these words:

> The cession of the Spanish Province of Louisiana to France, which took place in the course of *the late war*, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the Legislature connected with that subject.

And in his Message to the Senate under date of January 11, 1803, he used these words:

> The cession of the Spanish Province of Louisiana to France, and perhaps of the Floridas, and the late suspension of our right of deposit at New Orleans are events of primary interest to the United States. On both occasions such measures were promptly taken as were thought most likely amicably to remove the present and to prevent future causes of inquietude. The objects of these measures were to obtain the territory on the left bank of the Mississippi and eastward of that, if practicable, on conditions to which the proper authorities of our country would agree, or at least to prevent any change which might lessen the secure exercise of our rights.

Observe the words: *"On both occasions such measures were promptly taken as were thought most likely amicably to remove the present and prevent future causes of inquietude."* The sentence is significant for the reason that in an examination of the proceedings of the Senate as well as the House in the First Session of the Seventh Congress which commenced December 7, 1801, and continued until May 3, 1802, we find nothing in the debates or discussions in either chamber, or in any message of the President, suggesting any reference to either of the "two occasions" to which Mr. Jefferson had alluded in his message of January 11, 1803, other than his message to both bodies under date of December 15, 1802, a portion of which we have quoted previously.

It is necessary for us to look at the background of the cession to be enabled to evaluate the effectiveness of those acts of Jefferson which he termed "measures to remove the present and prevent future causes of inquietude."

Ridpath gives a concise but excellent set-up of conditions precedent to the execution of the retrocession, thus:

> Meanwhile, what was the real situation which gave rise to these rumors, so alarming even in their uncertainty? France had never willingly given up Louisiana, nor had she ever lost hope of one day regaining it. Talleyrand had brought back from his American exile dreams of a greater colonial France; and it was due perhaps to his efforts that repeated but vain attempts had been made by the Directory to secure the retro-

cession of Louisiana,—to effect which at one time, indeed only money was needed. The Consulate followed the Directory, and established Napoleon's power after an exceedingly doubtful crisis. Another who profited by this same revolution of November 9, 1799 (18th Brumaire), was Talleyrand, who retired from the office of foreign affairs, partly because of the disgrace following the exposure of the treatment of the American envoys.

Talleyrand knew that no European power could long control North America without checking the expansion from the Atlantic seaboard; he regretted that the west bank of the Mississippi was in the hands of a weak nation like Spain, wholly unable to cope with the United States, and he had been persistent in his efforts to secure control of Louisiana. When he returned to office he found Napoleon wearied of "old Europe", which was all too narrow a field for his gigantic projects, and presently filled the First Consul with enthusiasm for his scheme of French aggrandizement in the West.

Godoy had made the treaty of 1795 with the United States; had used his influence for the speedy fulfillment of its provisions, and had resolutely declined all overtures from France which had for an object the transfer of Louisiana. Talleyrand had succeeded in driving Godoy from office, and after the 18th Brumaire the way was again open for negotiations.

Napoleon's victories made it possible for him to offer an apparently substantial return to Spain for Louisiana. The Prince-presumptive of Parma, the son-in-law of Don Carlos, was to be given the title of King of Etruria, with Tuscany of the three ecclesiastical provinces,—Bologna, Ferrara, and Romagno,—a little kingdom, to contain not less than a million souls. The Queen was delighted over the prospective greatness of her family; and Don Carlos himself was hardly less enthusiastic, since France guaranteed the agreement of those States which might have a right to object,—a consent to be obtained when a general peace was made. In return Spain was to transfer Louisiana, "with the same extent it actually has in the hands of Spain and had while in the possession of France, and such as it should be according to the treaties subsequently passed between Spain and the other States." Talleyrand had hoped to get the Floridas as well; but these Don Carlos held to be national domain which he had no right to alienate. Louisiana, on the other hand, had been a gift to his father and was at his own disposition.

The treaty of San Ildefonso, ceding Louisiana, was signed October 1, 1800, the day after that of Morfontaine, which Joseph Bonaparte negotiated with the United States. One treaty nullified the other. France west of the Mississippi meant not only the alliance of the United States with England

upon the sea, but a policy in the West which must of necessity have led to war or to separation of the West from the States eastward of the Alleghanies. This contradiction of treaties was to Napoleon and Talleyrand a matter too trifling to be noticed. *If the United States could be kept in ignorance of the transfer until France was prepared to defend the territory, if Spain could be forced to give possession at once,* the ends of France would be gained. As for the obligations toward the other States, according to Napoleon's theories they might be postponed indefinitely or disavowed. By the treaty of Madrid, March 21, 1801, the retrocession was confirmed, and Tuscany was definitely ceded to the Prince of Parma.

Doubtless it was the rumors of the ratification of the Treaty of San Ildefonso at Madrid (March 21, 1801) which had filtered to the world through diplomatic circles that disturbed the peaceful Jefferson. Apparently he had no authentic information of either the San Ildefonso Treaty or the Madrid ratification. But it is evident that he was suspicious of Napoleon's power and aggression, and he was fearful of Spain's subserviency to France. Outwardly, Jefferson was calm and dispassionate, but his confidential correspondence with our ministers at Paris and Madrid discloses his concern. Jefferson had experienced unusual official relationships with the old government of France, having been our minister at the French Court from 1785 to 1789. Thereafter he was Washington's Secretary of State, the first to occupy that premier position in a president's cabinet. Jefferson fully was aware of many tricks of the diplomatic trade. At heart he was a pacifist, and in his mind honorable and conscientious; but he was politically sagacious. In 1787 he had stated that "the act that abandons the navigation of the Mississippi is an act of separation between the Eastern and Western country. It is a relinquishment of five parts out of eight of the territory of the United States." In 1800 he said: "There is on the globe one spot the *possessor* of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-fifths of our country must pass to market; and from its fertility it will ere long yield more than half of our whole produce, and contain more than half of our inhabitants." Jefferson accurately had gauged the value of the stake for which he was playing a diplomatic game with France and Spain.

Reverting for the moment to the San Ildefonso Treaty, Ridpath states that by January, 1801, following the signing of the document on October 1, 1800, Livingston had a copy of the

retrocession agreement. In some unknown manner Rufus King, our minister to London, also had procured a copy as early as November, 1800, but expressed doubts that it was authentic. Apparently Jefferson either possessed the substance of the treaty or he had received the copies mentioned. In any event, most of the year 1801 passed without event except that the troubled diplomatic correspondence between Jefferson and his ministers had continued. We find that on September 28, 1801, Jefferson wrote to Livingston to endeavor to "dissuade the First Consul *gently*, on grounds of expediency, from the acquisition of Louisiana." If the cession actually had been made, Livingston was to seek to *purchase* one of the Floridas in order to secure access to the Gulf. Livingston apparently exerted his utmost to ascertain the facts of the retrocession in his conferences with Talleyrand, Napoleon's Minister of Foreign Affairs. At every turn he was met with bland denials; but Livingston must have pressed the Minister, for finally Talleyrand stated positively that the cession "had been the subject of conversation, but that nothing had been concluded." This was a deliberate falsehood, and Livingston suspected it. As early as September 1, 1801, he had written to Jefferson as follows:

> There never was a government in which less can be done by negotiation than here. There is no people, no legislature, no counsellors. One man is everything. He seldom asks advice, and never hears it unasked. His ministers are mere clerks, and his legislators and counsellors parade officers.

After the ratification at Madrid Jefferson's confidential correspondence discloses that he genuinely was alarmed at the situation in Europe. Livingston had acquainted him with Napoleon's plan for the occupation of Louisiana, terming it a "wild expedition". Talleyrand had filled Napoleon with visions of a far-flung Western empire, knowing that, at that time, Napoleon had become wearied of "old Europe", which "was all too narrow a field for his gigantic projects". This was no pleasing prospect to Jefferson. We have his own estimate of the Western empire; and strange as it may seem, although he had been pointing out emphatically for a decade "the certain danger to our liberty and to our free institutions which would arise from too great intimacy with England", he preferred an alliance with England to control the vast territory west of the Mississippi rather than to have France establish her new empire on the American continent. In substantiation of this, witness this remarkable part of a letter to Livingston in April, 1802:

> The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low-water mark. It seals the union of two nations who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation.

In the light of accusations which have been made against Jefferson that he was predisposed in favor of France; that his years in Paris had rendered him pro-Gallic, criticisms which had nettled him on several occasions, his forthright stand against the intended French occupation of the Louisiana territory all the more is notable as evidencing the seriousness with which he privately regarded the European situation. But Jefferson did not vouchsafe to Congress expressions of his personal feelings and reactions to the ominous rumors of conditions abroad. He continued to maintain outwardly a philosophic, unruffled calm and an official attitude of imperturbed presidential dignity.

Averting to the quoted portion of Jefferson's message to Congress, dated December 15, 1802, we may deduce from the proceedings of the Congress, and our knowledge of the subsequent historical developments, that he decidedly was correct in his statement that the change in ownership and possession of the Louisiana Territory would "make a change in the aspect of our foreign relations." On January 11, 1803, in the same message to the Senate from which we quoted, *supra*, he partially undertook to clarify that which he termed the "measures which were promptly taken as were thought most likely amicably to remove the present and prevent future inquietude." (Mr. Jefferson's language was adroitly allaying!) In this message he states:

> The objects of these measures were to obtain the territory on the *left* bank of the Mississippi, and eastward of that, if practicable, on conditions to which the proper authorities of our country would agree; or at least, to prevent any change which might lessen the secure exercise of our rights.

Note the physical description of the territory which Mr. Jefferson was seeking to obtain for the United States. He specified the "*left* bank of the Mississippi and *eastward* of that, if practicable, on conditions to which the proper authorities of our country would agree." This statement is significant in view of the later developments and outcome of negotiations in France with the First Consul through the lugubrious Talleyrand; and of course, when

Mr. Jefferson used the phrase, "on conditions to which the proper authorities of our country would agree", he was stating briefly the substance of a principle of our Constitution that, if a *purchase* of the Territory should be involved, the appropriation therefor essentially would originate in the House of Representatives and that inasmuch as such a purchase would involve a treaty, so-called, such a compact would have to be ratified by the Senate. Mr. Jefferson did not inform the Senate how the "measures" were to be carried into effect. If he meant that the acquisition of the specified territory should be through *purchase*, he refrained from the use of that word. Probably the President was feeling out his Congress!

Even if we accept without qualification Mr. Jefferson's statement as to the "measures" which he had taken, there does not appear in Rives' *Abridgment of the Debates of Congress* any reference of any kind to indicate that either the House or the Senate or any committee thereof possessed any official knowledge of the cession of the Louisiana Territory by Spain to France until December 15, 1802. This was probably due to the fact that when Jefferson had received authentic information respecting the suspension of deposit as well as conditions in France the Congress was not in session. (It had adjourned May 3, 1802.)

As early as January 4, 1803, Mr. Griswold of Connecticut, a rank Federalist and a severe critic of the President, introduced a resolution respecting Louisiana, which requested Jefferson

> to lay before the House copies of such official documents as have been received by this Government, announcing the cession of Louisiana to France, together with a report explaining the stipulations, circumstances, and conditions, under which the province is to be delivered up. . . .

It was the signal for attacks by Griswold and his supporters in which President Jefferson and his administration were defended ably by Mr. Randolph of Virginia and other friends; but while these debates were proceeding, Mr. Jefferson and his supporters in the Senate had not been idle, for in the message of January 11, 1803, he nominated Robert R. Livingston to be Minister Plenipotentiary and James Monroe to be Minister Extraordinary and Plenipotentiary

> . . . to enter into a treaty or convention with the First Consul of France, for the purpose of enlarging and more exactly securing our rights and interests in the River Mississippi and in the territory *eastward* thereof.

"But", Mr. Jefferson continued:

> . . . as the *possession* of these provinces is still in Spain and the course of events may retard or prevent the cession to France being carried into effect, to secure our object, it will be expedient to address equal views to the Government of Spain also, to be used only in the event of its being necessary.

Thereupon, he nominated Charles Pinckney (already in Madrid) to be Minister Plenipotentiary and also James Monroe to be Minister Extraordinary and Plenipotentiary to Spain for similar purposes. (Monroe's intimate and reliable knowledge of conditions in the West and his previous ministerial experience in France carried no little weight with Jefferson, as well as with the Senate.)

The two related and allied subjects, the Mississippi Question and the Cession of Louisiana, were being discussed and resolutions relating thereto were being debated in both the Senate and House of Representatives at the same time. Factions were at loggerheads as to the proper action to be taken by the government with respect to the Mississippi Question. It is probable that had not the Louisiana Cession already occurred in 1800, the hotheads in both chambers would have prevailed in the arguments for seizing not only the so-called "Island of New Orleans" but the Spanish Floridas as well. It was the knowledge of the *racheter* communicated by Jefferson's messages to Congress which enabled the conservative members of both bodies to organize and project their support in favor of the diplomatic and amicable procedure proposed by the President. As an interesting commentary on the debates and discussions which raged throughout the whole of the second session of the Seventh Congress, that is to say, from December 15, 1802, to March 3, 1803, Jefferson's opponents sought to have the Randolph resolution passed in such form that, should the confidential data called for therein be submitted to the Congress by the President, they could discuss the information in public session. It is believed that Griswold and his followers were seeking publicly to embarrass Jefferson, for in one of Griswold's speeches (January 11, 1803) addressed to Mr. Randolph's resolution of January 5, he asserted that "we could not sanction those expressions of unbounded confidence in the Executive, and that determination to do nothing which the (Randolph) resolution contained." Apparently, this attitude or position was part of a plan to stampede the Congress in supporting demands for immediate seizure of New Orleans. They held "negotiations to be unworthy of the Country

in circumstances of such wrong and insult, . . . and preferred the immediate seizure of New Orleans."

There had been introduced and passed in the House, in executive session, as "Act making further provision for the expenses attending the intercourse between the United States and foreign nations"; and in executive session of the Senate it passed that body on February 22, 1803. It was the act which commenced the movement proposed to purchase Louisiana. Rives states:

> At the time it was passed the views of no one extended to the acquisition of that great province, the Island on which New Orleans stands and the two Floridas. Even this object was veiled by general expressions in relation to foreign intercourse, but its true purpose was made known in a *confidential message* from the President to the House of Representatives and by that body communicated to the Senate when the Bill was up for its concurrence.

(We have had no access to the "confidential message". Richardson's *Messages and Papers of the Presidents* and Rives' official *Abridgements* do not disclose it or contain any reference to it.)

The legislation had passed the House, the properly constituted body for the origination of appropriations. The bill carried the sum of $2,000,000, which amount was to be used by the President *within his discretion* respecting acquisition of the territory which he had specified previously, although there were no words of limitation that the funds should be used for that single purpose. Congress had left the door open for negotiating on a broad scale, evidently trusting the frugal Jefferson to make a satisfactory bargain through the astute Livingston and the patriotic Monroe.

In view of the fact that the United States later agreed to pay $15,000,000 for the Louisiana Territory, and further in view of the fact that the territory acquired immeasurably was more extensive than Mr. Jefferson or the Congress ever had, either in mind or imagination, the legislation is particularly interesting.

James Monroe and Charles Pinckney were approved by the Senate as ministers to France and Spain; and early in March Monroe sailed for the Hague. (Pinckney, then in Madrid, was serving as *Minister* to Spain.)

A half year was to pass between the time when Monroe joined Livingston in Paris in April and the convention of Congress in a special session in Washington in October. In view of the sudden

turn of affairs within that period we may designate it the "Amazing Interlude." Let us advert to the situation in France in 1803.

Although only a year had passed since the Peace of Amiens had been signed (March 25, 1802), that covenant, insecure in inception and unstable in substance, had become more insecure. Napoleon had provoked an angry scene with Lord Whitworth, the British Ambassador, demanding "Malta, or war". The Santo Domingo occupation by the French had required more force than had been supposed to be necessary to its "recovery". The "gilded African", Toussaint l'Ouverture, the revolution's patriotic leader, had opposed a strength and spirit to Napoleon's plans that had astonished even that military genius, and had won the admiration of all Europe. Following Toussaint's downfall, France had lost more than 40,000 soldiers by April, 1803. During that winter, with its disappointments on the island kingdom, severe weather had locked within its icy embrace the armada which France had planned to send to America for occupation and settlement of the territory retroceded to her by Spain in 1800. Over the prologue to the fast-shifting scenes that soon were to follow, there impended the clouds of another European war. Napoleon had turned against colonial schemes!

Livingston in despair in March, 1803, had written to Jefferson: "With respect to negotiation for Louisiana, I think nothing will be effected here." This was not an indication of a lack of industry or purpose on the part of the American minister. Previous to the aforesaid letter to Jefferson, Madison, our Secretary of State, had informed Livingston of Spain's order restoring the right of deposit at New Orleans. (Pinckney apparently had something to do with this accomplishment.)[2] Spain had kept this fact from France, nor did Livingston divulge it to Talleyrand. Thus encouraged, he had adopted the plan of disparaging Louisiana, referring to it as "an immense wilderness", seeking to underestimate the value of France's lately acquired bargain. He boldly had hinted at Jefferson's idea of an alliance with England, but his suggestions accounted for no noticeable reactions from Napoleon or the wily Talleyrand. It was not because of Livingston's urgings that a shrewd scheme was developed in the sentient mind of the First Consul. But it *was* Livingston's communication of April 8,

[2] The royal order was signed by the King of Spain himself, dated October 15, 1802, and directed the delivery of the "Colony of Louisiana and its dependencies as well as the City and Island of New Orleans, without any exception, to General Victor or other officer duly authorized by that Republic (French) to take charge of the said delivery".—(Rives' *Abridgments*, Vol. III.)

1803, informing France of Senator Ross's resolution urging the immediate seizure of New Orleans, which brought forth Napoleon's scheme, a plan not so much designed to aid the United States as it was to thwart England. Napoleon was not ignorant of the potential value of Louisiana to the United States, but he realized that they formed a young and struggling nation, whereas England, with the power of her great navy and unlimited means of transportation, more readily and practicably could reduce and transform a generation's potentialities into a decade of accomplishment. On April 10 he sent for two of his ministers and forthwith asked their opinions on the proposition of selling Louisiana to the United States. Information of this proposal filtered through court channels to Napoleon's brothers, Joseph and Lucien, both of whom at once commenced vigorously to oppose the sale, oddly enough protesting that it would be unconstitutional for France to sell the territory to the United States or to any other nation. From the day that Napoleon had asked the opinions of his two ministers, events moved with kaleidoscopic rapidity across the stage of the drama, the locale of which had been shifted to Paris.

(What was the scene of the climatic act of the Exalted Enterprise? It was the French Court, displaying a magnificence of setting which surpassed in splendor, even in that early period of the Consulate, that of any other kingdom in Europe. Striding nervously back and forth, a short stocky man in his early middle years, speaking his lines crisply but in modulated tones, dressed in a blue broadcloth coat, with cream silk waistcoat— unbuttoned— his white covert breeches thrust tightly into tall sealskin boots— the First Consul of France; and Prince Charles Maurice de Perigord Talleyrand, the crippled Minister of Foreign Affairs, leaning easily upon a gold-headed staff much like the crozier that supported him when he was a prince of the Church— sauve, sentient, scintillating— glittering in rose taffeta coat, pink silk waistcoat and white silk breeches, with enormous silver buckles on his low-heeled slippers; Marbois-Barbé, in mauve velvet coat with cloth-of-gold waistcoat and cream colored doeskin breeches, white silk stockings and varnished bootees,— calm, confident,— speaking slowly and deliberately; Joseph and Lucien Bonaparte standing anxiously to one side, suspended upon the words of their brother; Lord Whitworth, tall, erect, stiff in offended dignity, resplendent in red coat emblazoned with the orders of His Britannic Majesty, wearing buff breeches and cream colored silk stockings,

with a jeweled sword hung from a gold sash; courtiers in flashing regalia in the background; and two quiet-voiced somberly-dressed citizens of another youthful republic across the Atlantic, their Excellencies James Monroe of Virginia and Robert Livingston of New York, lately appointed Ambassadors Extraordinary and Ministers Plenipotentiary of the United States of America!)

On April 11, Livingston had been conversing with Talleyrand when the French Minister, without premise, suddenly inquired the disposition of the United States to purchase the whole of the territory retroceded to France by Spain. In his own words, Livingston was "startled". He was quick to sense the fact that if he were cautious, he might ascertain from the adroit Talleyrand what the inquiry portended, and in any event he felt that he might capitalize on the minister's "suggestion" by offering a lesser consideration than he then assumed France would accept for the vast territory. "No", answered Livingston, "only New Orleans and the Floridas, but it would be *to the interest of France* to add the country above the Arkansas". Talleyrand correctly considered that the territory without New Orleans would be of limited economic or political value to the United States. Livingston knew this to be a fact as well as did Talleyrand, but he was without authority to negotiate on the suggested basis. Nevertheless, he "thought" the United States would not object to 20,000,000 francs (about $3,862,000), provided the American claims (spoliation) should be satisfied. (Livingston's New England business acumen probably dictated that a purchase-price could be cleverly raised but not successfully lowered.) Talleyrand had not informed Livingston of Napoleon's proposal, but contrarily had stated that he was discussing the sale on his own responsibility. Livingston countered with the statement that the Minister's declaration was pleasing to him personally for the reason that while the United States did not wish to engage in a conflict with France, nevertheless they would do so to protect their interests at New Orleans, and he frankly added that he hoped that hostilities already had commenced! Talleyrand for once had been disconcerted, according to Livingston, but he declined to commit himself on the sale proposition.

Monroe arrived in Paris on April 12, the day after Talleyrand's amazing "suggestion" to Livingston. Hardly had the two American ministers examined Madison's instructions and had realized the financial limitation which Congress had placed upon

President Jefferson and their negotiations, when Marbois suddenly informed Livingston that the terms of the First Consul were 100,000,000 francs ($19,300,000), and a release of the spoliation claims. Livingston and Marbois dickered from day to day, with Monroe in the offing privately counseling Livingston to counter with a lesser price; and Marbois finally offered to submit the proposition to Napoleon on the basis of 60,000,000 francs plus the spoliation claims to the amount of one-third of that sum.

We have no evidence that either the limit of $2,000,000 or the limitation that this sum should be devoted to purchasing "territory on the left bank of the River Mississippi and eastward thereof, if practicable", then was troubling the official or private consciences of our ministers. They had been dealt face-hands in the very first round of the great diplomatic game, and with the glittering stake in front of them, they played their cards "close to their waistcoats", praying to receive official absolution and the nation's blessing upon returning to their native land with the award safely tucked away, hoping that Jefferson, the Congress and the people would consider first the value of their winnings and regard second their boldness in playing the game. It is enough here to state that the play terminated at an earlier time than the two visitors to the French gaming-table ever thought would occur, and the final cash-in was the whole of the retroceded territory and the liquidation of the spoliation claims for and in consideration of an *agreement* to pay a paltry $15,450,000 of money of the United States of America!

The treaty was signed by Talleyrand, Monroe and Livingston as of April 30, 1803. (Actually it was signed on May 3. Why it was antedated does not appear clear from any records at our command.) The following significant "conventions", or articles, were the *causae belli* of the political controversies which so vigorously engaged the Congress and entertained the American people in the following autumn:

> Whereas, by the article the 3d of the treaty concluded at St. Ildefonso, the 9th Vendemaire, an 9, (1st October, 1800,) between the First Consul of the French Republic and His Catholic Majesty, it was agreed as follows:
>
> His Catholic Majesty promises and engages, on his part to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations therein relative to His Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France pos-

sessed it; and such as it should be after the treaties subsequently entered into between Spain and other States.

And whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestable title to the domain and to the possession of the said territory: the First Consul of the French Republic, desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, for ever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic in virtue of the abovementioned treaty, concluded with His Catholic Majesty.

The third article of the compact is important:

The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and, in the mean time, they shall be maintained in the free enjoyment of their liberty, property, and the religion they profess.

(The "convention of incorporation" of the inhabitants of the territory as citizens of the United States is the particular provision which had plagued Jefferson, prompting his doubts that the incorporation into the Union legally could be consummated without an amendment to the Constitution. This covenant, together with the question of France's title, and whether thereby the United States would be vested with valid title, was the subject of the discussions and debates in Congress that followed the ratification of the treaty in October, 1803.[3] There is no certainty as to the authorship of Article 3, *supra*, but Monroe is charged or credited with its sponsorship, depending on the point of view. It was this selfsame question of title in America that was debated in the English Parliament for years following the sale of Louisiana. It arose again at Ghent in August, 1814. It motivated the expedition which England dispatched from Nigril Bay, Jamaica, in October, 1814,

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[3] Jefferson informed Congress that "By the Treaty of Ildefonso, of the 1st of October, 1800, His Catholic Majesty promises and engages on his part to cede back to the French Republic, six months after the full and entire execution of the conditions and stipulations therein contained, relative to the Duke of Parma, the colony or province of Louisiana, with the same extent that it actually has in the hands of Spain, that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other States."—slightly dissimilar language from the quotation of the article of the Treaty contained in this manuscript.

Senator Jackson (Georgia) said: "The Treaty of St. Ildefonso was the ground work of the Cession and whatever might have been the terms to be performed by France, the King of Spain's proclamation and orders (15th of October, 1802) having declared to all the world that they were complied with."—(Rives' *Abridgments.*)

to "reduce the Crown Colony of Louisiana". It indeed was the "damned spot that would not out"— until wash-day at New Orleans on January 8, 1815!)

Observe the felicitous phrase in the second "whereas" of the treaty that the First Consul used— "desiring to give to the United States a strong proof of his friendship, doth hereby cede to the United States...." In the light of his later nonchalant remark that he would receive "sixty million (francs) for an occupation that will not perhaps last a day", one now may wonder if the renowned head of the French Republic weren't congratulating himself upon his profit from a transaction into which he never had invested a sou! May we not appraise his contemporary remark upon being informed of the signing of the compact as more accurately manifesting the true sentiments which had motivated him when he exclaimed: "I have just given England a maritime rival that will sooner or later lower her pride!"

Indeed, "a warning presage of the coming storm"— the War of 1812 in which the American navy won the admiration of the world in its victories over the Mistress of the Seas! "Sooner", doubtless, than the First Consul had presumed! How precise a prediction "later" when within a fourth of a century American argosies were bottoming three-fourths of the world's cargoes!

Upon learning of the compact, Spain indignantly had protested against the sale to Secretary Madison, setting forth France's promise not to alienate Louisiana, not omitting the Republic's failure to fulfill the stipulation in the San Ildefonso Treaty whereby the Prince of Parma was to have secured his little kingdom. Charles Pinckney, our minister at Madrid, had been worried by the brief declaration of Cevallos, Spain's Privy Councillor, that "His Majesty's system did not permit him to dispose of any portion of his estates". (He referred to territory west of the Mississippi.) Thereupon, Pinckney had been adjured to address his communications to the French nation. Too late! America had assumed the role of a *bona fide* purchaser, traversing with the claim that Spain had been guilty of laches. Spain long had been in the tightening grip of France, too exhausted then to protest, irrespective of any legalistic considerations or moral prerogatives.

She salved her wounds with "the applause of the French Government". Her once invincible armada then was too meager to oppose or combat even the youthful republic across the ocean.

King Carlos and Don Cevallos had been unskilled opponents in the devious game of diplomacy dealt at the hands of the Little Corsican and the ex-Bishop of Autun!

Although there was doubt in the American ministers' minds of the exact physical boundaries of the "immense wilderness",[4] to use Livingtson's description of Louisiana to Talleyrand, let us return to young America with the words of Livingston uttered upon his signing of the treaty:

> We have lived long, but this is the noblest day of our lives. From this day the United States take their place among the Powers of the first rank; the English lose all exclusive influence in the affairs of America!!

News of the purchase of the Louisiana Territory reached our shores in June, 1803. There was a spontaneous acclaim on the part of the people. Jefferson was eulogized in words comparable to laudations of Washington; and the Congress was praised in written and spoken addresses. That which Jefferson "had done by stealth arose to make him famous." But Jefferson was a modest man, of philosophic intellect and conscientious mind. He was a capable lawyer, well versed in the history of government. He had occupied every Federal position of prominence within the gift of Virginia. He had drafted the Declaration of Independence, and was author of the Bill of Rights. He had been a member of Congress, a minister to France, Secretary of State under Washington, Vice President under Adams, and was at that time the first Republican (then so-called) President of the youthful nation. His first inaugural address is a lofty exposition of the fundamental concepts of our republic. He accepted the office of Chief Magistrate with "a sincere consciousness that the task is above my talents". He approached it "with those anxious and awful presentiments which

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[4] "Boundaries of the Province of Louisiana, as contained in a paper communicated by Mr. Jefferson to Congress:

"The precise boundaries of Louisiana, westward of the Mississippi, though very extensive, are at present involved in some obscurity. Data are equally wanting to assign with precision its northern extent. From the cource of the Mississippi, it is bounded eastwardly, by the middle of the channel of that River, to the thirty-first degree of latitude; thence, it is asserted, upon very strong grounds, that, according to its limits, when formerly possessed by France, it stretches to the east as far, at least, as the river Perdido, which runs into the bay of Mexico, eastward of the river Mobile.

"It may be consistent with the view of these notes to remark, that Louisiana, including the Mobile settlements, was discovered and peopled by the French, whose monarchs made several grants of its trade, in particular to Mr. Crozat, in 1712, and some years afterwards, with his acquiescence, to the well-known company projected by Mr. Law. This Company was relinquished in the year 1731. By a secret convention, on the 3d November, 1762, the French Government ceded so much of the province as lies beyond the Mississippi, as well as the island of New Orleans to Spain; and, by the treaty of peace which followed in 1763, the whole territory of France and Spain, eastward of the middle of the Mississippi, to the Iberville, thence, through the middle of that river and the Lakes Maurepas and Pontchartrain to the sea, was ceded to Great Britain. Spain having conquered the Floridas from Great Britain, during our Revolutionary war, they were confirmed to her by the Treaty of Peace of 1784."—(Rives' *Abridgments.*)

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the greatness of the charge and the weakness of my powers so justly inspire". He expressed full sentiments of appreciation of his official responsibility, looked with encouragement to the coöperation of the Congress, frankly acknowledging that his administration was embarking "amidst the conflicting elements of a troubled world".

Previous to the negotiations for the purchase of even a part of the Louisiana Province, Jefferson had been more than a "strict constructionist" of the Constitution. He had been a narrow constructionist— at least he was close-visioned on the subject. In 1798, in a letter to Senator Nicholas, he said:

> I consider that the *limits* of the United States are now *precisely* fixed by the treaty of 1783; that the Constitution expressly declares itself to be made for the United States. (He referred to the treaty with England.) I cannot help believing the intention was to permit Congress to admit into the Union new States which should be formed out of the territory for which, *and under whose authority alone*, they were then acting.... I had rather ask an enlargement of power from the nation... than assume it by a construction.

He doubtless meant that rather than construe the Constitution too broadly, proper amendments should be voted by the States.

The foregoing portrays Jefferson's deliberate conception of the limitations of the Constitution. His private correspondence in the summer of 1803, after the agreement between our ministers and France in April, strongly indicates that he was confused in his own mind not so much on the question of our right to acquire by purchase the whole Louisiana Territory, but whether the Territory should be "incorporated" into the Union without an amendment to the Constitution. (The agreement at Paris specifically had provided that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States".) He had been in correspondence with a few confidants— Gallatin, Nicholas, Randolph and Breckenridge. These supporters argued that if we had the right under the Constitution to acquire the territory, by the same token we had the right to legalize the citizenship of the inhabitants of Louisiana. He did not acquiesce fully in the opinions of his advisers. He doubted so much the right to "incorporate" into the Union the territory whose inhabitants were to have all the rights of citizens of the United States, that he himself proceeded quietly to prepare an amendment to the Constitution for submission to the Congress scheduled to meet in the following

December. As evidence of the doubts that continued to disturb Jefferson, witness this remarkable letter that he wrote to Senator Breckenridge:

> The Constitution had made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive, in seizing the fugitive occurrence which so much advances the good of this country, had done an act beyond the Constitution.

He leavened his constitutional bread by this political ingredient:

> The Legislature (Congress), in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing unauthorized what we know they would have done for themselves had they been in a situation to do it. But we shall not be disavowed by the nation, and this act of indemnity will confirm and not weaken the Constitution, by more strongly marking out its lines.

Jefferson might have continued to wander in his sphere of esoteric ether awaiting the regular convention of Congress in December, then to permit the representatives to solve the problems pursuant to their interpretations, but for the shock of an urgent letter received from Livingston, which conveyed the alarming suggestion that France might avail of any hesitancy on our part in ratification as an excuse to escape fulfillment of the treaty. This brought the President down to *terra firma*! Jefferson the pragmatic political philosopher at once became Jefferson the practical politician! He addressed one of his confidants thus: "I infer that the less we say about constitutional difficulties respecting Louisiana, the better, and what is necessary for surmounting them must be done *sub silentio.*"

Jefferson called the Congress in convention on October 17, 1803. His special message in which he transmitted certain "instruments bearing date the 30th of April last", meaning the Treaty of Paris, contains the following interesting statement:

> . . . propositions had therefore been authorized for obtaining on fair commissions, the sovereignty of New Orleans, and of other possessions in that quarter, interesting to our quiet, to such an extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the President of the United States, intended as part of the price was considered as conveying the sanction of Congress to the acquisition proposed. When these (instruments) shall have received the constitutional sanction of the

> Senate, they will, without delay, be communicated to the Representatives for the exercise of their functions, as to those conditions which are within the powers vested by the Constitution in Congress.

Appropriately adroit!

Note the phrase that the "*provisional* appropriation" was intended as "*part* of the price" to be paid for the territory, and that "it was *considered* as conveying the sanction of Congress to the acquisition". Mr. Jefferson tactfully had informed Congress that he had done what he thought they would have done with respect to Louisiana! (He had been empowered to expend $2,000,000. Livingston and Monroe had obligated us to spend $15,000,000!) He courteously had deposited the treaty upon the lap of the political gods! The "certain conditions" in the treaty to which he referred meant nothing more than that an appropriation would be required to carry the covenant into effect, and inasmuch as an appropriation must originate in the House, he consigned that part of the treaty to that body for the "exercise of their functions"! We are reminded of his letter to Breckenridge in which he said: "the Legislature (Congress), . . . risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country. . . "! In other words, "take it or leave it— and may Heaven support you in either course!"

The treaty was ratified in the Senate previous to October 21. On the 25th, that body passed an act authorizing and empowering the President to take possession of the Louisiana Territory in the name of the United States.[5] On November 2, the Senate had before

[5] "The bill thus passed was in these words:

"That the President of the United States, be and he is hereby authorized to take possession of and occupy the territories ceded by France to the United States, by the treaty concluded at Paris on the thirtieth day of April last, between the two nations, and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the army or navy of the United States, and of the force authorized by an act passed the third day of March last, entitled 'An act directing a detachment from the militia of the United States and for erecting certain arsenals,' which he may deem necessary; and so much of the sum appropriated by the said act as may be necessary, is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.

"Sec. 2. And be it further enacted, That until the expiration of the present session of Congress, unless provision for temporary government of the said territories be sooner made by Congress, all the military, civil and judicial powers exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

"From the terms of this act, and especially of the second section, it is seen that the *Spanish system* of government was continued in the ceded territory after it became the property of the United States, and that the military, the civil, and judicial powers of the Spanish Intendants (for France never took possession of the country except to deliver it to the United States), were transferred by law to such persons as the President should appoint. The powers of the Spanish Intendants, as all know, were an emanation of the despotic power of the kings of Spain, and wholly incompatible with our constitution—*a very clear declaration of Congress that the Constitution did not extend to the territory*, and that its inhabitants could claim no rights under it; and this declaration was in consonance with all the previous acts for the government of territories, all of which were *inconsistent* with the Constitution."—(Rives' *Abridgments*.)

it a bill authorizing the "creation of a stock to the amount of $11,250,000, for the purpose of carrying into effect the convention of the 30th of April, 1803, between the United States of America and the French Republic, and making provision for payment of the same". It passed that body the next day, 26 to 5. The Massachusetts, Delaware and Connecticut Senators voted against it.

Although the treaty had received ratification by the Senate apparently with dispatch, the so-called "stock-bill" which had been debated for several days caused varied repercussions among several members. The two principal arguments advanced against passage of the bill really were arguments which more properly should have been directed against the ratification of the treaty. First, there was the claim that the United States could not constitutionally acquire the territory; the second, that the treaty stipulated for the admission of a new State into the Union, and the "incorporation of the inhabitants thereof as citizens of the United States"; and springing from these discussions was the belief that France could not convey a valid title to the territory because she had not fulfilled her covenants with Spain as stipulated in the San Ildefonso Treaty of October 1, 1800. Doubt was expressed by some Senators that Spain would issue an order or direction to her Governor General at New Orleans recognizing France's ownership. (France never had taken actual physical possession of the territory.) Fear was expressed that, before the matter could be terminated by our legal possession of the province, we would be at war with Spain or France or in conflict with both of those nations.

Senator White of Delaware was vociferous in his arguments that Spain considered herself injured by the treaty, and that she would use force to prevent our occupation of the territory; that France had broken faith with Spain, and therefore Spain was absolved from covenants of the agreement, especially France's promise never to transfer Louisiana into other hands. He urged an amendment to the Constitution to provide for the "incorporation" of Louisiana into the Union, as a form of "national bluffing" of both Spain and France. He emphatically asseverated that even should Louisiana be incorporated into the Union, it would be "the greatest curse that could befall us". He further argued that the settlement of the vast region west of the Mississippi would be "productive of innumerable evils, and highly injurious and dangerous to the United States". His capping argument was that, "even supposing that this extent of territory was a desirable acquisition,

$15,000,000 was a most enormous sum to give". This Philippic, in the light of the price having been four cents per acre! Senator Adams limited his remarks to the belief that an amendment was necessary. Senator Wells, White's colleague, was fearful of the title that we were taking; and he was opposed to granting to the President the right to take possession without indisputable advance proof that France could deliver to us "a fair and effectual possession of the ceded territory". He urged that the Senate withdraw and retain the powers which the bill, passed October 26, already had vested in the President.

Senator Pickering of Massachusetts argued that the treaty contravened our Constitution and contained provisions that transcended the powers which the Constitution vested in the President and the Senate. He expressed the belief that the limited powers of our Government would not permit us legally to receive our latest acquisition.

Senator Tracy of Connecticut tracked Pickering's argument, adding that the President and the Senate "have not the power of thus obtruding Louisiana upon us". Observe the word "obtrude". The word "us", in the contemplation of the Connecticut Senator, seems to have been confined to Delaware, Connecticut and Massachusetts, since those were the only states whose Senators voted against the measure under discussion!

Senator Jackson of Georgia at least was practical in his support of the measures before the Senate. He said:

> Last session we were impressed with the necessity of taking immediate possession of the island of New Orleans in the face of two nations, and now we entertain doubts if we can combat the weakest of those Powers; and we are further told we are going to sacrifice the immense sum of fifteen millions of dollars, and have to go to war with Spain for the country afterwards; when, last session, war was to take place at all events, and no costs were equal to the object. Gentlemen seem to be displeased because we have procured it (Louisiana) peaceably, and at probably ten times less expense than it would have cost us had we taken forcible possession of New Orleans alone, which, I am persuaded, would have involved us in a war which would have saddled us with a debt of from one to two hundred millions, and perhaps have lost New Orleans, and the right of deposit, after all.

Senator Nicholas of Virginia, the recipient of Jefferson's close-visioned letter in 1798, *supra*, laconically remarked that the

diversified discussions had convinced him of one fact, at least: "Of one thing I am confident," he said, "that if they (France) have the distrust of us which some gentlemen have this day expressed of them, the country will not be delivered to the agents of our government should this bill be rejected".

In the House of Representatives, in considering the "certain conditions" of the treaty, and in the "exercise of their functions", to which Mr. Jefferson briefly had alluded in his message of October 17, Mr. Griswold, of previous mention herein, arose to offer a resolution requesting the President to lay before the House a certified copy of the treaty, together with all related papers, diplomatic correspondence, *et cetera et ad infinitum.* John Randolph of Virginia, the valiant administration "whip", promptly opposed the resolution, and after various proposed amendments, it was lost by two votes. The bill carrying into effect the provisions of the treaty, came up for final consideration on October 25. The ever-critical Griswold was up with it, demanding more data, more "proof" and decisive defeat of the bill. The reliable Randolph seems to have had his supporters well organized, for on final vote on October 27 the bill passed, 90 to 25. The next day the bill authorizing and empowering Jefferson to take possession of the Louisiana Territory came up for final vote and it passed the House, 89 to 23.

Thus terminated the proceedings in the Congress which had ratified the treaty, created means whereby the "certain conditions" of the document could be carried into effect, and authorized and empowered Jefferson to take possession of Louisiana. Except for a later act whereby the territory was "erected" into two territories and providing for the temporary government thereof, there was no further legislation respecting Louisiana in either branch of the Congress. (With this Act we are not concerned here. It addressed itself solely to the administration of the territory after acquisition and formal possession.)

The final act of the epochal drama was simple and brief. On November 30, 1803, the Spanish officials and the French Prefect, the clergy, together with the civil authorities and a few army and navy officers, appeared in the Cabildo at New Orleans and the Province of Louisiana formally was yielded to the French Republic. Thereafter, on Thursday, December 20, 1803, the formal possession by the United States of America of the vast and inestimable territory occurred, attended by ceremonies all the more dramatic by virtue of their simplicity. The American Commissioners, Governor

Claiborne and General Wilkinson, and the United States troops properly were saluted when they entered the City. There was the customary examination of credentials of appointment, the treaty was read aloud and the Prefect of the Republic of France personally delivered to Governor Claiborne symbolic keys of the City of New Orleans. Claiborne then made an address to the populace which had assembled in the Place d'Armes, now known as Jackson Square. The flag of the Republic of France was lowered in silence to a halfway point of the halyards where it was met by the emblem of the United States, and as the flags of the two greatest republics on earth waved side by side, the crowd shouted huzzas and there was a military salute. The French possession— it never was an occupation— of Louisiana had covered the brief space of twenty days. Thus, upon this simple but impressive scene was ended France's dream of a colonial empire in the western hemisphere. *Sic transit gloria mundi!!*

The epilogue to the Exalted Enterprise, the final curtain of which had descended upon the simple scene at New Orleans on the twentieth of December, 1803, properly has been preserved to us in the modest words of the leading character of the *dramatis personae,* Thomas Jefferson.

Here is the last paragraph of the President's brief message to Congress, dated January 16, 1804:

> On this important acquisition, so favorable to the immediate interests of our Western citizens, so auspicious to the peace and security of the nation in general, which adds to our country territories so extensive and fertile and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to Congress and our country my sincere congratulations.

THE LOUISIANA PURCHASE: THE FRENCH VIEWPOINT*

By ANDRÈ LAFARGUE

I had hoped to be able to participate in the exercises that were held at our last meeting commemorative of the 136th anniversary of the Louisiana Purchase; of the conclusion of the treaty between France and the United States of America whereby the greatest real estate deal of all times was consummated, but unfortunately illness prevented me from carrying out this worthy project and I was denied the pleasure of listening to the very interesting, illuminating and instructive paper prepared by my distinguished colleague and friend, Judge William C. Holmes. May I say here, at the very start, that Judge Holmes' paper, entitled "The Mississippi Question, and Its Answer", is an outstanding contribution to the historical lore on the subject. The Judge, as you who have heard him know, has written his paper in a most entertaining and learned fashion. His personal viewpoint, based on thorough historical research and enlivened by a keen sense of humor, from the very outset, makes his paper a human document. The Judge knows admirably how to drive home his point. If Thomas Jefferson was instrumental in extracting the thorn in the side of the nation or in that of the executive department and in deftly and adroitly inserting it for a time in the side of Congress, the Judge knew how to impart to his paper an element of keen interest which a solemn and profoundly learned document of an arid character might have lacked. The work, I am sure, is one that students of history will refer to time and again in an attempt to get instructive and illuminating information on the subject, and hence this society should deem itself fortunate that such a comprehensive paper should have been carefully and entertainingly prepared by its author. I am sure also that I am voicing your sentiments when I express to him my personal congratulations on this occasion—congratulations which I know our president has already felicitously conveyed, in commenting upon the document after it had been read at the previous meeting.

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* Paper read before the Louisiana Historical Society at its regular meeting on Tuesday, May 30, 1939.

Had I been present at our last meeting I would have discussed the French end, or rather the events in France, which preceded the signing of both the Treaty of San Ildefonso and the one known as the Louisiana Purchase, events which led up to and unquestionably shaped and determined the retrocession of Louisiana and its eventual sale to the United States of America.

I particularly wish, in this paper, to emphasize the influence of the French Revolution and of the French Encyclopedists as determining factors in the retrocession from Spain to France of the Louisiana territory or "province", as it is very often and better referred to.

It should be remembered that the colonists were highly outraged when the information was belatedly conveyed to them that the mother country had definitely decided to turn over Louisiana to Spain, as a sort of wedding gift, as I have called it repeatedly. The Treaty of Fontainebleau, signed on November 3, 1762, with its complement, the Treaty of Paris, signed on February 10, 1763, established and consecrated the most extraordinary condition of affairs that ever existed in the matter of conventions and agreements between sovereign states. The King of Spain was never anxious to acquire Louisiana. As a matter of fact he was very much opposed in the beginning to what he very likely considered would be the assumption of an added burden. The Duc de Choiseul, for reasons of his own, and with an utter disregard for the feelings of the Louisiana colonists, had decided that France should cede and turn over to Spain the vast colony, founded, explored, taken possession of and definitely developed by French blood, French enterprise, French daring and French spirit of sacrifice. Those who had labored and toiled incessantly to maintain and preserve Louisiana, those particularly who were born on Louisiana soil or who came from Canada to bring us aid and sustenance, in provisions, military equipment, material and men; those who had looked upon this country as being bound to the mother country by indissoluble ties of blood, heredity and patriotism, were dumbfounded when the official announcement was made that France had formally ceded Louisiana to Spain. They would have been still further opposed to the cession had they known the true facts, had they been told that Don Carlos of Spain was very loath to accept the colony, presented to him, as it were, on a silver platter by the misguided, ambitious and arrogant de Choiseul. What an extraordinary situation! On the one side, mighty France through her ill-advised

prime minister forcing Louisiana upon Spain, and on the other side His Catholic Majesty using every possible effort, every diplomatic sidestep, to avoid having to reject abruptly or peremptorily the wonderful gift. Poor Louisiana, destined to become one day the great empire of the Mississippi Valley, being used as a mere pawn to suit the caprices of a conceited and arbitrary prime minister, proffered to Spain, which in turn did not look upon the gift with any degree of favor!

The colonists, rightfully and promptly became enraged when they were acquainted with the full terms of the most iniquitous deal ever made. They did not hesitate to express themselves. There were meetings of protest and indignation held in every part of New Orleans and of the adjacent territory. Finally, as we all know, they decided to send a delegation to Paris, made up of some of the most prominent colonists and headed by Milhet, commander of the local militia and one of the richest merchants in Louisiana, to present their grievances to Choiseul, the Prime Minister. On his arrival in Paris, Milhet sought and located Bienville, who was then eighty-six years old and who was living miserably in a garret, and asked him to accompany the Louisiana delegation on its visit to the Prime Minister. According to some historians de Choiseul received Milhet and Bienville very haughtily and without concealing his ill humor. He would even have stated to some of his followers that he did not care to be importuned by a garrulous old man, referring to the venerable and distinguished founder of the City of New Orleans. Other historians claim that de Choiseul received the delegation courteously but gave it no hope and no comfort whatever. If de Choiseul ran true to form he must have been rather displeased to find out that what he considered was a master stroke diplomatically—his cession of Louisiana to Spain, in order to ingratiate himself with that country—was being disapproved of totally by the Louisiana colonists, to the point where they had found it necessary to send delegates to France to present their grievances and protests to him personally. He never allowed Milhet, Bienville and their companions to see Louis XV. Milhet returned, made his report to his fellow Louisianians, and it was then that the Louisiana colonists in the exercise of their full prerogatives as human beings, conscious of their inalienable rights to liberty, justice and equality, laboring under a sense of the most flagrant injustice that had been perpetrated upon them, feeling that they could not be disposed of like mere human pawns and that

they had a right to proclaim their grievances to the world at large, decided to meet in a plantation home and by candle light drew up the constitution which would have made of Louisiana the first republic ever established on American soil. What a pity that this immortal document should not have been preserved! It was drawn up in 1768, after every possible effort had been exhausted by the Louisiana colonists to prevail upon the mother country to annul the cession made to Spain of their country, their rights and the French nationality which they were still desperately clinging to although France had repudiated them. I remember that in 1917 when I headed the delegation which New Orleans and Louisiana had sent to Paris to commemorate the 200th anniversary of the decree authorizing the founding of our great Southern metropolis, I made an address at the Sorbonne in the French capital, in the presence of the foremost political, military and civil authorities of the country, and in alluding to the devotion of the colonists to the old mother country, in referring to their struggle, their protests and the blood which they finally shed in defense of their loyalty and allegiance to France, I made the rather startling but truthful announcement that the Louisiana colonists of 1768 were greater French patriots than those who lived in France at that very time, and when what I really meant dawned upon the audience they stood as one man and cheered Louisiana and its delegates lustily and lengthily.

I do not have to recall here what we consider, and rightly so, one of the most glorious and soul-inspiring episodes of our Louisiana history—the defiant and proud attitude of Nicolas Chauvin de la Frénière, Jean Milhet, Poupet, Caresse, Marquis and their companions who were shot down in San Carlos Barracks without being given even the semblance of a real military trial and who died facing their executioners with a smile in their eyes and the name of France upon their lips. They are known and will be known to this and future generations as the "Martyrs of Louisiana". They and their leader, in their attempt to found a republic, Joseph Villeré, whose end was no less tragic than theirs, were the ones whose blood consecrated Louisiana soil and whose ringing protest unto death was taken up successively upon the floor of the various conventions, gatherings and assemblies of the French Revolution.

Isn't it significant that the Treaty of Fontainebleau should have been signed in 1762 and that it was only six years subsequently

that Spain established her autocratic sway and authority over the liberty-loving and liberty-seeking Louisiana colonists, under Alejandro O'Reilly? As a matter of fact when d'Abbadie arrived in the colony, although the Treaty of Fontainebleau through which Louisiana had been ceded to Spain had been signed several months before, the colonists were not aware of it. Ulloa came and was sent back unceremoniously, even curtly, to his royal master, and for a long time thereafter the French governor remained in power *de facto*, if not *de jure*. Louisiana was then, indeed in a state of rebellion. The revolution on her soil reached its fruition in 1768 and was drowned and extinguished in a sea of blood. Prophetically de la Frénière and his companions gave up their lives to establish the claims of Louisianians to freedom, justice and equality. And it should not be forgotten that this happened eight years before the citizens of the Northeastern section of the country proclaimed their own rights to independence on July 4, 1776.

I am trying to point out that from the time the Treaty of Fontainebleau was signed in 1762 and subsequently ratified by the Treaty of Paris of 1763 to the day of the signing of the Louisiana Purchase Treaty on April 30, 1803, any number of events occurred to show that Louisianians had become imbued with the spirit of democratic freedom and liberty and that the Louisiana Purchase after all was the culminating point of attempts to establish here a system of government which, because of its liberal character and the justice of its institutions, would meet with the full approval of the inhabitants of the Mississippi Valley.

Even under Spanish rule the protests and claims of the Louisiana colonists, silent but none the less eloquent, after they had been drenched in blood, were heard on the other side of the Atlantic by those in France who had become imbued with the doctrines and principles of the Encyclopedists and of the philosophers of the late 'seventies. May I mention here some of the incidents which confirm my assertion in this respect?

In 1790, the year following the capture of the Bastille, on the never-to-be-forgotten 14th of July, Mr. des Odouart-Fantin presented to what was known as the National Assembly a petition from the Louisiana colonists, asking that they be given the opportunity of becoming citizens of the newly-founded French Republic. Time and again in the bloody course of the French Revolution the governmental authorities were asked to come to the aid and assistance of

those who were referred to as "our unfortunate brothers in the Mississippi Valley". Even in the days of "The Terror", as the most frightful phase of the French Revolution was later to be known, the affairs of the colonists in Louisiana were discussed and debated upon. Offers and suggestions were made that the French government take steps to rescue those that were still subjects of an autocratic form of government. It is evident that Louisiana would never have been thought of or referred to by the sons of the French Revolution in their passionate debates if the colonists had not given signs that they were fretting under Spanish rule.

On January 23, 1793, the "Comite du Salut Public", which could be referred to in English as the "Public Safety Committee", one of the many institutions of a governmental character born of the French Revolution, decided to send Volney, a very distinguished French writer, a man of high and rare intellectual and literary attainments, and of unquestioned integrity, to Louisiana to look into the situation of the colonists and to report thereon. His salary was fixed at 15,000 livres, a rather large sum for the time and one indicating that the "Comite du Salut Public" (Public Safety Committee) was quite concerned with the happiness and welfare of the Louisiana colonists and their aspirations for freedom.

On January 7, 1794, Mahlberger, an artillery captain of great promise, asked that an expedition consisting of two hundred men, provisioned and equipped with eighty pieces of ordnance and an equal number of gunners, be sent to America. This expedition was to have landed in Maryland and from there was to have proceeded to Fort Pitt on the Ohio and from that point down the Ohio to the Mississippi, for the purpose of ascertaining to what extent the colonists could be helped in their efforts to maintain a port of deposit at the mouth of the "Father of Waters", that is to say at New Orleans. Mahlberger, on his return from New Orleans, was the bearer of a petition signed by 1500 persons, most of them very rich planters, who asked that they be reincorporated into the French nation, "from which they had been treacherously and shamefully wrenched by the abominable de Choiseul, who had sold them in cowardly fashion for the sum of eight millions." Mahlberger's expedition and the report and petition that he presented brought to the fore the plight of the Louisiana colonists and their insistent demands for freedom and justice.

The great patriot, mathematician and military genius, Lazare Carnot, a very prominent member of the "Public Safety Com-

mittee", to which I have just referred, advocated very strongly the return of Louisiana to France.

In 1795 Barthélemy, the French ambassador at Madrid, was instructed to take up the matter with the Spanish government and to demand the return of Louisiana and of Santo Domingo in exchange for Fuentarrabia and San Sebastian.

Citizen Genêt, the French ambassador to the United States, used every possible effort, undiplomatic and otherwise, to induce some of the Louisiana colonists to rise against the Spanish regime. The full story of his abortive attempt at liberating Louisiana has never been written. It would make most entertaining and instructive reading. General Collot, likewise, endeavored to create trouble for Spain by sending word to the Louisiana colonists that he would be glad to lead them in an insurrection. All of which goes to show that the First French Republic had an eye on Louisiana and would not have been loath to see Louisianians rid themselves of the Spanish yoke.

In 1797 the Directoire, another phase of the French Revolution, of a more conservative character, took steps to prevent the English from invading Louisiana, and General Collot's son tried to raise a corps of Canadian volunteers for the purpose of responding to the cries and urgent requests of the colonists for freedom and for reintegration into Republican France.

The great Corsican, as the dominating figure of the Consulate, became keenly interested in the question of the retrocession of Louisiana, particularly after he was convinced that he could not keep Egypt and defend it successfully. His colonial ambitions readily responded to the aspirations of Louisianians for a democratic form of government under French protection. He wrote to Pontalba, one of the prominent and rich planters of Louisiana, of Creole extraction, and asked him for a report on the colony's situation. Pontalba sent this report on September 15, 1800. Historians tell us that it was a very complete and very interesting one and one that the First Consul read with great pleasure and profit. At that time Spain had been approached diplomatically and insistently and the Treaty of San Ildefonso was really in the offing, looming up as a concrete proposition. This treaty, through which Louisiana was finally retroceded to France by Spain, was the result of laborious and protracted negotiations. The part played by Alquier, France's minister plenipotentiary at Madrid, is a very important one in the successful termination of the pourparlers that

brought about the signing of the treaty. The main consideration apparently was the stipulation that the Duke of Parma, son-in-law of King Carlos IV of Spain, would acquire considerable territorial advantages, of such a character in fact as to enable him later to become King of Italy. France obligated herself to bring about this consummation. Of course, all the negotiations that preceded and that led up to the execution of the Treaty of San Ildefonso were carried out as secretly as possible, in full conformity with the time-honored principles of the day. Alquier reports that the indiscreet announcement that Berthier, who subsequently became Prince of Wagram and one of the best known marshals of France, was coming to Spain as a diplomatic representative of France to hasten the cession of Louisiana to France, came near wrecking the whole plan. The British and American ministers at Madrid became aware of a situation which they previously knew nothing of and they immediately informed their respective governments. A secret draft of the treaty was presented to the court of Spain on August 28. It would seem that the admiration of Carlos IV for Bonaparte was largely instrumental in the final signing of the treaty, which took place at San Ildefonso on October 1, 1800. Under the terms of the treaty France added 1,200,000 inhabitants or subjects to the Duchy of Parma and recognized the right of the son-in-law of Don Carlos IV to the crown of Italy. Spain retroceded to France the entire province of Louisiana as obtained from the latter under the Treaty of Fontainebleau. There were no fixed territorial limits mentioned in the treaty, all of which later served the purpose of the wily First Consul. Lucien Bonaparte, Napoleon's brother, who had been sent subsequently to Spain and who likewise helped in the framing and final adoption of the treaty, sent word to his illustrious brother that the Prince of the Peace, one of the favorites of Don Carlos, would appreciate very much a present from the First Consul and had suggested a portrait of the Consul set in a gold frame and enriched with an oval circlet of diamonds. Napoleon replied that he did not care to send his portrait to one who kept his predecessors imprisoned in a dark cell and who resorted to the methods of the Inquisition. He might use the man, but he held him in utter contempt and did not care to make any present to him. The First Consul knew how to express himself frankly and forcibly. It should be stated here that the Prince of the Peace, as he was known, had been very helpful in bringing about the conclusion of the Treaty of San Ildefonso.

On and from the signing of this Treaty of San Ildefonso the Mississippi Question, as my good friend and colleague has described it, became a very acute one. After all the Mississippi Question in the final analysis was purely and simply the exercise of the rights which the American settlers who lived in the regions adjoining the Mississippi River felt they had in sending their goods and wares down the Father of Waters on their way to the Gulf of Mexico, but coupled with this question there came also the right to deposit these goods in New Orleans or in some accessible spot close to the Gulf, and there was none such except New Orleans. New Orleans was the key to the whole situation. Any attempt to restrict fluvial navigation at the mouth of the Mississippi meant the bottling up of commerce as conducted by the American citizens who lived and thrived in what were considered at that time the Western States of the Union. Somewhat of a similar situation presents itself today in what is known as the Polish corridor and the port of Danzig. Denied access to the port of Danzig, Poland would languish and almost perish commercially. Spain had entered into certain agreements with the United States on the subject of navigation of the Mississippi to its mouth through Spanish territory and the right of deposit, agreements very often of an elastic nature and which were not always lived up to. The Mississippi Question was indeed a thorny one and one fraught with untold possibilities for friction of every kind. The United States did not fare any too well with Spain in the matter, and of course they became greatly alarmed when told and when definitely informed that France had reacquired Louisiana. Thomas Jefferson realized at once that the matter was one that might eventually lead to war and that a war with France under Napoleon Bonaparte would become a very serious undertaking.

There can be no doubt that when Napoleon caused Spain to retrocede Louisiana he fully intended to keep the young and promising colony. Events definitely, arbitrarily and resolutely shaped his course. The mere protest of the American minister in Paris, at the time the retrocession was made known, and even the protests of the English minister, would not have altered his course. He had had Louisiana brought back into the French domain and his purpose in doing so was to start building a huge empire overseas, which someday would have enabled him to more than cope with England. The best proof that he attached considerable importance to the return of the Louisiana colony was that he

organized a very powerful military expedition to be transported by an equally powerful fleet of twelve ships anchored in the harbor of Helvoet Sluys in Holland. With his usual thoroughness and foresight he provided newly reacquired Louisiana with a civil as well as a military government. Pierre Clement de Laussat, a son of the French Revolution, was appointed Colonial Prefect with a complete staff and a military and civil household, and General Victor, Duke of Belluna, was named commander-in-chief of the military expedition. Napoleon had grandiose projects and views in connection with the retroceded colony. He was made to give them up under stress of adverse circumstances. War with England loomed up again as a certainty, and when he finally saw that the storm would blow with its greatest intensity within a short time, he gave orders that the expedition about to sail from Helvoet Sluys be annulled and that the soldiers and men gathered in the Dutch port, as well as the ships that were to have transported them, be assigned to new duty in connection with the defense of the fatherland. Napoleon could not spare a man or a ship at the time, and he acted wisely in countermanding the expedition.

Strategically, diplomatically and politically the cession of Louisiana to the United States of America was a master stroke on the part of the future Emperor of France. Subsequent events did show that the young American Republic within a short time thereafter became more than a match for England. The sale of Louisiana to the United States of America unquestionably paved the way for the victory of a crushing nature achieved on the battlefield of Chalmette, and known today as the Battle of New Orleans. The signers of the Louisiana Purchase Treaty were Livingston, Monroe and Barbé Marbois, but it should not be forgotten that the wily and ever cautious Talleyrand had played his part in the pourparlers or negotiations that led up to the execution of the treaty. And behind the negotiators the two towering figures were Thomas Jefferson on the American side and Napoleon Bonaparte on the French side. It was most fortunate that the thorny and almost insoluble "Mississippi Question" should have come up at a time when the United States of America was headed by a man of great and lofty ideals and vision and of unquestioned patriotism, and that France's destinies should have rested with the greatest military and diplomatic genius that the world has ever known, Napoleon Bonaparte. And here may we not say, with the immortal Bard of Avon: "All's well that ends well."

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TYPES OF PRIVATEER VESSELS, THEIR ARMAMENT AND FLAGS, IN THE GULF OF MEXICO

By STANLEY FAYE

"A long, low schooner painted black, very lofty masts. She carried a long brass gun, an 18-pounder, and one iron 9-pounder traversing in a circle on her main deck, a profusion of small arms and a crew of ninety-six men."

So, with neglect of three guns hidden below decks, the *Royal Gazette* of Jamaica[1] described the schooner *Eclair* of Commodore Aury's squadron. So, with an added rake to each mast, might be described the privateer schooner of fiction.

The schooner small or large was always the typical privateer craft of northerly American waters, whether in the Atlantic Ocean, the Caribbean Sea or the Gulf of Mexico. Few three-masted ships of private ownership took commissions from any state of the New World to harry enemy commerce. Except for the Uruguayan corvette *Júpiter* (Captain Richard Coeur-de-Lion),[2] perhaps the only one of this class to enter the Gulf during the Spanish-American Wars of Liberation was the Argentine corvette *Unión* (Captain John Brown.) Armed with eighteen 36-pounders and carrying one hundred and sixty-seven men the *Unión* sailed from Buenos Aires in December of 1817[3] and cruised to the eastward of Cuba. With her Spanish slaver prize she anchored off the Mississippi Balize on February 14, 1818, to take on supplies.[4] Thence she proceeded to Savannah and New York; in October she completed her cruise with arrival at Buenos Aires.[5]

Smaller square-rigged vessels divided with schooners the favor of adventurous owners who sent out cruisers from American ports of the Atlantic seaboard. In the War of 1812 the earlier exploits of John Paul Jones found duplication; Baltimore's sea captains took fighting brigs across the ocean and taught[6] to the French ally the

[1] In *New York Evening Post*, semi-weekly, June 3, 1818.
[2] *Cf.* Lyle Saxon, *Lafitte the Pirate* (New York, 1930), 260.
[3] *Bell's Weekly Messenger* (London), April 19, 1818.
[4] Archivo General de Indias, Papeles de Cuba, Legajo 1900, Fatio to the captain-general. February 28, 1818, and enclosure.
[5] *New York Evening Post*, s-w., May 27, 1818; *New York Advertiser*, s-w., May 26, 1818; *Bell's Weekly Messenger*, June 28, 1818, January 10, 1819.
[6] Henri Malo, *Les Dernières Corsaires de Dunkerque* (Paris, 1925), 116.

official American system[7] of dividing prize money in two equal parts between owner and officers-and-crew of private cruisers. After the war many of these vessels went on sale. The *consulado* (governmental chamber of commerce) in Havana created a market by its decision to buy private vessels and arm them in protection of its own trade.[8] Thus the brig *Jacob Jones* became the *Consulado*.[9] The ship *Young Wasp* of 500 tons and the brig *Reindeer* of 385 tons passed like the others through Havana's service into the royal navy.[10] So did the famous *Chausseur* of Baltimore, a schooner of 275 tons, but the *Chausseur* under her Cuban name of *Cazadora* first found time to help the *Consulado* abate the nuisance of Captain Rapp.[11] The *Cazadora* also took part in the international incident of the *Firebrand*.[12]

Square-rigged merchant vessels, both ships and brigs, held a monopoly of trans-Atlantic commerce. Merchant schooners sailing at their best across the trade winds competed easily with square-riggers for cargoes between North Atlantic ports and the Antilles. When late in 1814 the House of Representatives considered adding small cruisers to the United States navy, one statesman recommended brigs and quoted Commodore Perry as having said "that he had never known an instance in which a brig of the United States had failed to overtake a schooner."[13] It was not so in the Gulf of Mexico. Within a year the Mexican privateer schooner *General Morelos* escaped from a pursuing royal brig by taking the wind upon her beam and sailing for New Orleans up along the coast of Mexico on a course that a brig could not sail at all.[14] Yet so incompetent a sailor was the *General Morelos* that when Commodore Aury added her to his squadron[15] he retired her from warlike service and made her a cargo carrier, the *Gran Sultan*.[16]

Owners equipping larger vessels for privateer service in the Gulf of Mexico demanded not only the speed and buoyancy of

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[7] Act of Congress, June 26, 1812, in *Niles' Register* (Baltimore), II, 411.

[8] Archivo General de la Nación (de Méjico), Historia, Operaciones de Guerra, Notas Diplomáticas, v. 4, Junta del Consulado (Havana), minutes, August 23, 1816.

[9] *New York Advertiser*, s-w., July 8, 1817.

[10] *Baltimore American*, in *Richmond Enquirer*, October 12, 1816. *Cf*, *New York Herald*, s-w., August 20, November 15, 1817.

[11] Charles Adams Gulick and Harriet Smithers (eds.), *The Papers of Mirabeau Buonaparte Lamar* (5 v.; Austin, 1921-1937), v. 4, part 2, pp. 18-19.

[12] *Louisiana Historical Quarterly*, XXI, 203-212.

[13] *Annals of Congress*, XXVIII, 546.

[14] *Gazeta de México*, December 30, 1815.

[15] *Cf. Charleston Courier*, January 9, 1818, in *New York Advertiser*, s-w., January 20, 1818; AGI, Audiencia de México, Legajo 90-2-8, 9, relation of Herrera, May 13, 1817.

[16] *Cf.* Manuel Ezequiel Corrales (ed.), *Documentos para la historia de la provincia de Cartagena* (2 v.; Bogotá, 1883), II, 251.

square sails, but also the peculiar convenience of the fore-and-after. They gained versatility by use of combination rigs. Of these the familiar types were the topsail schooner, the foretopsail schooner and the hermaphrodite brig.

A vessel with a fore-and-after's foresail and mainsail might carry square topsails and topgallant sails on both masts and be a topsail schooner. (The Spanish name was *goleta de dos gavias.*) If she varied her fore-and-aft rig only by square canvas above her foresail she was a foretopsail schooner (*goleta de gavia.*) One foretopsail schooner was the protagonist of Mexican independence in the serio-comic drama of Pensacola.[17] One 80-ton *goleta de dos gavias*, black-and-yellow-striped of hull, dressed with such miscellaneous canvas as the poverty-strickened owner had picked up here and there, made a Spanish prize off Trinidad de Cuba early in 1810.[18]

Neither the Spaniards nor the Spanish-American patriot privateersmen had any taste for the brigantine, but Spanish merchant fleets contributed to the patriot squadrons more than one trans-Atlantic *polacra.*[19] Such a vessel or even a big schooner or little brig would be rerigged for use in the Gulf as a hermaphrodite brig *(bergantín goleta).* With square sails on the foremast and with mainmast completely duplicating the canvas of a schooner, the hermaphrodite brig met perfectly the conditions of wind, water and offshore on the coasts of Louisiana and Mexico. As a schooner[20] the Cartagenan privateer *Belona* brought Commodore Aury to Galveston in August of 1816; as a hermaphrodite brig[21] she sailed for Aury in later years.

The schooner *Belona* came to New Orleans late in 1816 as a Mexican privateer armed with six guns and equipped with a crew of fifty-five men.[22] This little vessel was big[23] in comparison with most of the other schooners and *falouches* commissioned at Galveston and was as big as all but the biggest of Barataria. Her lading may have amounted to about one hundred and fifty tons. She

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[17] *Louisiana Historical Quarterly*, XXI, 806-822.

[18] AGI, PdeC, Legajo 1710, Someruelos to Morphy, April 5, 1810. The rig is indicated by use of the word *boneta* with a meaning (topgallantsail) as foreign to Castilian Spanish as such meaning of its doublet would be foreign to English.

[19] Usually classified as a brig, the *polacra* was a square-rigged three-master with mainmast set far aft; the mizzen, a simple spar like a trysail mast, bore a fore-and-aft mainsail and a square topsail, but no topgallant sail.

[20] *Diario del Gobierno de la Habana*, October 16, 1816, in AGM, Notas Diplomáticas, v. 2; *Louisiana Gazette* (New Orleans), January 27, February 12, 1817.

[21] AGI, PdeC, Legajo 1945, Villa vaso to the captain-general, July 18, 1820, enclosure.

[22] *American State Papers, Foreign Relations*, IV, 136.

[23] AGM, Historia, v. 152, Arredondo to Apodaca, March 8, 1817, enclosure, declaration of Sánchez.

may have measured about eighty feet on the keel. The keel, if it conformed to the customary design, was a triangle extending aft from the bow with its lowest point not far forward of the stern. Therefore this privateer schooner's draft, normally perhaps as much as fifteen feet deep laden, could be greatly lessened by tripping (shifting cargo forward) to help her cross a harbor bar.

Privateer schooners under various flags cruised the Gulf of Mexico in the first twenty years of the nineteenth century. Among the speediest of these craft were tiny, stiff, sharpnosed adventurers who brought a new word into the Spanish language. They were the pilot boats. New England, traditionally if not in fact originator of the schooner, had experimented first in creating small, swift-sailing vessels that might meet incoming merchantmen with pilots to bring them into port. In the late years of the eighteenth century shipbuilders of Chesapeake Bay and especially those of Baltimore improved upon Yankee ideas by developing a hull of lines fast enough to need no help from the topsails that would have capsized it in half-a-gale. Not only to the little Baltimore fliers[24] but also to any pilotboatbuilt schooner bearing two simple spars and no top canvas at all Hispanic America gave the name of *pailebot*. Most schooners of this type, and all of that type in the Gulf of Mexico, were small. One of more than two hundred and fifty tons burden would be worthy of comment even on the Atlantic seaboard.[25]

Even smaller than the pailebotes were some of the strange little craft that the French of New Orleans called *falouche*. With three masts the falouche became a *xebec* (in Spanish, *jabeque*). Perhaps recalling earlier days, when lightly armed Spanish jabeques sailed out of old Cartagena[26] to patrol the Mediterranean coast of Andalusia, Captain Pierre Liquet[27] and his French xebec patrolled the Gulf with or without a valid commission in the pirate year of 1811.

From Naples had come the falouche in the form of the little one-masted, lateen-sailed, double-ended *paranzello*, known at Marseilles as the *balancelle*, or rocker. Shallow of draft, rolling in a seaway, but seaworthy by reason of excessive bulge and tumblehome, the paranzello took the fancy of the Catalonians. They

[24] Henry Adams (ed.), *The Writings of Albert Gallatin* (3 v.; Philadelphia, 1879), I, 194; *Annals of Congress*, XXVIII, 546.

[25] *Niles' Register*, II, 380.

[26] AGI, Audiencia de Santo Domingo, Legajo 87-3-10, Reggio to Arriaga, September 5, 1767, enclosure.

[27] John Lloyd Stephens, *Incidents of Travel in Yucatan* (2 v.; New York, 1843), II, 416.

adopted it, cut its sharp stern into a square tuck, added sometimes a second mast and gave to the result the name *falucho.* This name was the Catalan version of the Arabian word *felouka,* which already had enriched the French language with *félouque* and *chaloupe.*[28] Catalan immigrants brought the boat (and the Catalan name) to the southern Carribbean with lateen sails and, with lug sails, to the northern Caribbean and the Gulf of Mexico. The French of Louisiana, not to be outdone by Spaniards in the making of words or of phrases, changed the name to *falouche.* Anglo-Americans of New Orleans changed it back to *felucca.* With the paranzello's original triangular sail (sheeted to a boom) still represented by a trapezoidal hanging lug, the falouche persisted into the twentieth century as the "New Orleans lugger"[29] of the shrimping fleets.

Most versatile of all vessels was the falouche. Remarkable for scant draft rather than for speed, a fair sailor close-hauled but at her best before the wind, she could outdistance pursuit by running into waters dangerous to the deeper riding pursuer. She was relatively clumsy in shifting her lug sail from one tack to the other; yet she could go for a little while with canvas pressing against the mast. Therefore she could manoeuvre quickly along tortuous channels that threaded the oyster banks of Louisiana's coast or follow the windings of the crookedest bayou. She had no deck except a small extent at bow or stern. As a ship of war she carried a privateer's armament of muskets, pistols and sabres and often no artillery at all. Her demountable masts raked forwards. They were held into their steps not by shrouds but by transverse bars or thwarts strengthened by shores slanting down to the keelson.[30] At least one one-masted falouche of Louisiana appears to have owned demountable stepping blocks permitting the mast to be raked either forward or aft; for she carried also fore-and-aft canvas and could change herself at pleasure into a sloop.[31] At pleasure also any patriot privateer falouche could lower her canvas and spars, put out her oars, and skate like a waterbug towards a Spanish ship becalmed.

A small sailing craft of crude construction might be called by different persons a falouche or a *canoe.* This latter word the

[28] Auguste Jal, *Glossaire Nautique* (Paris, 1848), headings: *Balancelle, Chaloupe, Falucho.* In Portuguese and the Spanish Gallegan the word became *falúa* and was applied to catboats such as those seen to-day in Cuban harbors.

[29] Carl W. Mitman, *Catalogue of Water Craft Collection in the National Museum* (Washington, 1923), 184.

[30] Jal, *op. cit.,* heading: *Falucho.*

[31] *House Reports,* 21 Congress, 1 Session, v. 3 (Ames 201), report 348, Collector, New Iberia, to Secretary of the Treasury, September 27, 1818.

Anglo-Americans sometimes used to translate the French creole word *pirogue*. From the Carib speech of the Antilles the French of Canada had borrowed the latter expression. The Sieur de La Salle applied it in 1680 to the dugouts of Illinois Indians.[32] Canadian woodsmen joining Le Moyne d'Iberville twenty years later brought it down the Mississippi River to Louisiana. In its French form, and in Spanish and English variants *(piragua, periagua, periauger, pettilauger)* of the Carib word, it extended itself first to name the composite craft made by sawing a dugout down the middle from bow to stern and widening it with a flat bottom of planks. From this makeshift design was developed a sailing bâteau, flatbottomed, undecked or decked only at bow and stern like Iberville's old-time *traversier* and carrying two demountable masts. Such were the smuggling barges of Bayou Barataria. Such was the privateer, made seaworthy by means of leeboards or an outrigger, in which Pierre La Maison with a Mexican commission from Galveston sailed in the year 1818 against the commerce of Spain.[33]

La Maison's canoe carried no firearms except muskets and pistols. The smallest schooners and falouches ordinarily preferred muskets to small cannon. Few schooners or even brigs in privateering service within the inner seas were big enough to arm themselves with long-range guns of greater rating than 18 or with carronades heavier than 8-pounders. Even a flatbottomed gunboat intended for coastguard work only in sheltered waters could not safely carry more than the two-ton weight of a 24-pounder at the bow and the same at the stern, or long survive the shock of repeated discharges. A contemporary list[34] shows the relative size, bore and weight of naval artillery:

Rating in pounds	Length in feet	Bore in inches	Weight in pounds
24	9	5½	4800
18	9	5	3900
12	9	4½	3400
9	7½	4	2500
6	6	3½	1600
3	4½	3	600

Anglo-Americans customarily rated their guns by the weight of the round-shot adapted to the bore (a smooth bore, never rifled,

[32] Pierre Margry (ed.), *Découvertes et Etablissements des Français dans . . . l'Amérique Septentrionale* (6 v.; Paris, 1876-1886), II, 37.
[33] AGI, PdeC, Legajo 1900, Fatio to the captain-general, February 21, 1818.
[34] *Niles' Register*, II, 394.

and therefore somewhat greater in caliber than the diameter of the shot.) The Spaniards made their rating according to the weight of the powder used in a normal charge. In ratings of 18 or less the weight of the powder nearly equalled that of the solid shot.[35] A brass gun could withstand the shock of a heavier discharge and therefore possessed a greater range than did the ordinary cannon of equal caliber and of much greater weight.

"The term Long Tom," wrote a contemporary editor,[36] "is familiarly applied to any long piece of cannon without regard to its size in other respects. They are generally on a swivel in the midship of the vessel, but some have one on each side." Experience aboard privateer vessels would have taught that editor that a ship equipped with two Long Toms was more likely to mount one at the bow and the other at the stern. The aftergun would offer special advantage if the privateer should have to take to her heels and defend herself against a stern-chase. Bigger schooners supplemented their long guns with carronades, or short-range pieces, usually of lighter rating and ranged in two batteries of three or more each, one to starboard and the other to port.

Carronades (or popularly, cannonades) were mounted on carriages mounted in turn on wheels or rollers, and they fired through gunports that could be opened in the bulwarks. The Long Tom, or swivel gun, fired across the rail. Its mount was a fixed pivot about which it swung or traversed. The weight of its heavy breech often found support in wheels running on a circular track on the deck. Thus the piece gained its alternate name of slide-gun, which translated the French *canon en coulisse* and the Spanish *cañón en colisa*. The loading was done from the muzzle. Expert seamanship proved itself in manoeuvering an attacking vessel in order that each battery in turn might be brought into play while gunners worked to reload the other. Yet patriot privateersmen seldom found it necessary to put their seamanship to such a test unless in unexpected encounter with a Spanish warship. Unlike British and Anglo-Americans, Spanish ships seldom carried armament, but depended for protection on armed convoys. Although the Spaniards fought bravely on land, at sea they had little heart for battle, and whether on sea or on land their marksmanship was notoriously poor. A Spanish merchant vessel could be expected

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[35] The formula for the volume of a sphere is four-thirds Pi times the cube of the radius. Iron such as used for cannon balls weighs about one-quarter pound a cubic inch.

[36] *Niles' Register*, III, 120.

to surrender without resistance to the northern privateersmen (or, as the Spaniards called them, the pirates), who did not practice the War to the Death.

Spaniards in New Orleans would have asserted as cordially as latterday romanticists that the men of Barataria and later of Galveston sailed under the piratical black flag of death's head and cross bones. Pierre Laffite the smuggler loved a rough joke and mockingly increased the Spanish trepidation by a published open letter to the customs collector:

> The defiance offered against the proof of any capture but the vessels of Ferdinand VIIth may sound well enough at a distance, but it is entirely impotent here, where the term "walking the plank" is as familiarly and lightly made use of as that of "crooking your elbow." Indeed, if departed shades were e'er permitted to revisit this world, it is shrewdly suspected that Mrs. Vanpradell and divers others could unfold a tale whose lightest word would harrow up the soul.[37]

Mrs. Vanpradeles and the vessel on which she had sailed had vanished into the Gulf of Mexico at a time when Grand Isle was still the innocent home of fishermen. Late in 1814 some articles of the lady's jewelry had been recovered from possession of Baratarian privateersmen who during two years past had sailed beneath the flag of Cartagena de Indias. New Orleans might vividly recollect then General Simón Bolívar's Venezuelan proclamation of June 15, 1813,[38] in which war without quarter was decreed against all Spanish enemies. Yet the Venezuelan War to the Death did not in fact pass to the northward of Cuba. The Spanish consulate in New Orleans and royalist officials in Mexico failed consistently throughout the years to learn from any former prisoner of the Baratarians or Galvestonians any tale of atrocity either on land or on sea.

One Boston sea captain thought that one privateer of Buenos Aires raised a black flag before boarding him off Bermuda.[39] Even here it is probable that blue sky had made to seem dark the red oblong used by warships as a signal flag for boarding. A mid-century misprint,[40] making unintelligible a reference to the Alabama Red Rovers and their battle flag,[41] has caused the priva-

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[37] *Orleans Gazette* (New Orleans), in *National Intelligencer* (Washington), April 4, 1818.
[38] Text in Vicente Lecuna (ed.), *Proclamas y Discursos del Libertador* (Caracas, 1939), 33-35.
[39] *Philadelphia Weekly Aurora*, August 27, 1816.
[40] *Colburn's United Service Magazine* (October-November, 1851), in *Littell's Living Age*, XXXII, 441.
[41] *Cf.* Mamie Wynne Cox, *The Romantic Flags of Texas* (Dallas, 1936), 208.

teersmen of Galveston if not of Barataria to cruise for nearly a romantic century past under a bloodred signal. This color did in reality show itself on occasion, but not at the maintop or at a schooner's mainpeak. Off the coast of Mexico,[42] as elsewere,[43] it climbed to a warship's fore in fair warning that the attacker intended to throw out grappling irons and swarm over the board if the victim should not surrender to capture or at least yield to inspection.

French, Spanish and North American cruisers flew the national flags under which they were commissioned. Spanish colonies declaring independence in the first and second decades of the nineteenth century sent strange flags to enshadow the waters of both Americas. West Florida might have figured among the earliest to contribute a novel design, blue field with white lone star, if the "Baton Rouge Revolution" of 1810 had lasted long enough to issue the privateer commissions that republican leaders planned.[44]

Revolution divided the French colony of Haiti into one black kingdom and one mulatto republic. Other American ports gave little welcome to the flags of these new states, two stripes of blue and red, vertical for the kingdom, transverse for the republic.[45] The Argentine did not make widely known its first color, the Spanish red, since for some years after the fall of the Spanish Bourbon dynasty in 1808 the southern viceroyalty maintained a pretense of allegiance to the somewhat imprisoned King Ferdinand VII. Early in 1812 the government in Buenos Aires changed the viceregal rosette or cockade from red to sky blúe and white. Thereupon an Argentine general in the field invented from these colors a flag for his own little army. Despite official censure from the capital this military banner persisted and came into popular use. On June 25, 1816, it was confirmed as republican and national.[46] Like the modern Argentine flag it consisted of three horizontal stripes, blue, white and blue. In the summer of 1818 the effulgent sun of liberty appeared upon the white middle stripe, but only for the use of army and navy.[47]

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[42] *Gazeta de México*, October 25, 1816.

[43] *New York Evening Post*, s-w., March 7, 1818; Gardner W. Allen, *Our Naval War with France* (New York, 1909), 233.

[44] *Cf.* Dunbar Rowland (ed.), *Official Letter Books of W. C. C. Claiborne, 1801-1816* (6 v.; Jackson, 1917), v. 6, appendix, p. 417.

[45] *London Courier*, October 31, 1810.

[46] Carlos Calvo, *Recueuil complet des traités . . . jusqu'á nos jours* (first period, 11 v.; Paris, 1862; second period, 5 v., *Annales Historiques de la Révolution de l'Amérique Latine*; Paris, Madrid, 1864), second period, II, 21-23, 320.

[47] *London Courier*, September 23, 1818.

Argentinos aided Chileños in 1818 to make good their independence of Spain. In February of 1819 the two new republics entered into formal alliance. Long before that date the few Chilean privateers off northern Atlantic coasts had begun to display the colors of their new brotherhood, known first as the Flag of the Andes. This was a broad pendant of two (or unofficially five)[48] sky blue and white vertical stripes, white at left and blue at right. The two-color field bore officially as a great charge the Argentine coat-of-arms, as of today except that the liberty pole was held obliquely and the effulgent sun was rising, not fully risen.[49]

General José Artigas, revolted against the government of Buenos Aires and created for himself in Uruguay the Banda Oriental, or Oriental Republic, but he neglected to provide his privateers with a flag. They used that of the Argentine,[50] at least in 1817-18. In the latter year the fleeting appearance of a new design, blue with white cross,[51] suggests invention by some Oriental sea captain of Baltimore or St. Bart's.

Venezuela preceded the more southerly colonies by establishing a republican flag on July 5, 1811, the day of her first independence. Designed by General Miranda, the precursor of Venezuelan liberty, this consisted of three horizontal stripes, from top to bottom yellow, sky blue and blood red,[52] the lower stripes progressively narrower than the upper.[53] The Venezuelan republic, like the flag that signified it, went out of existence in the summer of 1812 except as, in the graceful words of a fellow patriot, the republic existed in the person of General Bolívar.[54] That liberator revived both flag and nation in 1816, but the flag as his privateers brought it to the Gulf of Mexico had undergone a change. The colors remained as before; the lower stripe became almost equal in width to the upper (and equal) stripes combined.[55] This flag continued in use as Colombian after 1819, when Venezuela joined the liberated provinces of New Granada to form the first Republic of Colombia.

[48] *Cf. Bell's Weekly Messenger*, August 31, 1817.

[49] Bartolomé Mitre, *Historia de San Martín* (4 v.; Buenos Aires, 1890), I, 569-571, and colored plate.

[50] AGI, PdeC, Legajo 1900, Fatio to the captain-general, May 24, 1818, enclosure, colored design.

[51] *Bell's Weekly Messenger*, September 13, 1818.

[52] William B. Manning (ed.), *Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations* (3 v.; New York, 1925), II, 1153.

[53] Ramón Azpurua, *Biografías de hombres notables de Hispano-América* (4 v.; Caracas, 1877), v. 4, appendix.

[54] Felipe Larrazábal, *Vida y correspondencia general del libertador Simón Bolívar* (2 v.; New York, 1883), I, 353.

[55] AGI, PdeC, Legajo 1900, as above.

With the addition of three stars to represent the three components, New Granada, Venezuela and Equador, it came into the Delaware River for the first time in May of 1820.[56]

New Granada seven years earlier had created for herself a national standard of blue, yellow and red.[57] The indigo of the sea may never have reflected this tricolor; on April 26, 1814, the federal government adopted as its naval flag three concentric oblongs of red, yellow and green with an eight-pointed white star on the green central field. This had been urged upon the nation by the province (later, state) of Cartagena. It was Cartagena's own flag.[58]

In support of her recommendation Cartagena could have offered the argument that her flag already had established itself on the seas. As a province of the Granadine viceroyalty Cartagena de Indias had declared her independence of Spain on November 11, 1811. Within four months[59] her privateer commissions were known to Louisiana. Although Cartagena and all other Granadine seaports passed again into control of the royalists before the end of the year 1815, the starry tricolor had become a familiar sight in distant harbors. Almost until Cartagena regained her liberty in 1821 the expressions "Carthaginian privateer" and "Carthaginian flag" were used indiscriminately by many North American seamen and applied by them to all vessels and all national colors of all revolted Spanish colonies.

Louisianan privateersmen from the Cartagenan cruisers of Barataria helped General Andrew Jackson repulse the British attack in the Battle of New Orleans. New Orleans did not forget that fact in celebrating the victory of Chalmette and news of the Treaty of Ghent. Beside the American flags and those of friendly European powers that decorated the town the friends of Spanish-American liberation raised the flag of Cartagena. Generals Anaya, Gutiérrez and Toledo and others, lesser leaders of the Mexican insurgents had also done their part in repulsing the common enemy. So beside the stars and stripes and the Cartagenan tricolor floated the flag of republican Mexico.[60]

Yet there was no official republican flag of Mexico. Different leaders and different insurgent groups made flags to their own

[56] *Relf's Philadelphia Gazette*, in *New York Advertiser*, s-w., May 12, 1820.
[57] *Boletín de Historia y Antigüedades* (Bogotá), V, 300.
[58] *Gaceta de Museos Nacionales* (Caracas, September 24, 1914), v. 3, nos. 1, 2 and 3, p. 39.
[59] AGI, PdeC, Legajo 1791, Morphy to Soto, March 26, 1812.
[60] AGM, Notas Diplomáticas, v. 3, Onís to the viceroy, May 1, 1815.

taste and surcharged them with the Mexican coat-of-arms, with the effigy of Our Lady of Guadelupe or with some other design.[61] The traditional coat-of-arms, much as it appears on the modern flag, was insufficiently elaborate to satisfy Juan Pablo Anaya in the year 1814. General Anaya in New Orleans revealed his own variant of it, with addition of a lion, a liberty pole and one or more stars.[62] This creation, on a white field, persisted above at least one armed vessel into the summer of 1818.[63] The earlier and more simple republican medallion upon a field that had been the red-and-yellow royalist flag flew in the year 1816 above a sea fight that was to thrill newspaper readers in the City of Mexico.[64]

General Toledo wrote from Louisiana to the republican council in Mexico that a national flag ought to be established by republican law. When a Mexican republican envoy arrived in New Orleans late in 1815 he brought with him in copy the new republican decree of July 14 defining the designs of various Mexican flags.[65] As prescribed for use by army and by naval vessels (privateers) the republican national banner presented, within a narrow border of red, sixteen horizontal oblongs, blue and white beginning with blue at the upper corner next to the staff, the four central oblongs forming a field of white.[66] On this field appeared the flag-draped coat-of-arms as of today except that the eagle's head was turned over the other shoulder. A scroll above the medallion bore the legend *Independencia mexicana—año 1810.* A commodore's flag[67] and a merchantman's flag (red border surrounding many blue and white squares, without a central field or medallion) were also provided for, as were the three corresponding pennants. In the last days of the year 1815 Fray Antonio de Sedella made sketches from such flags brought for his inspection by Pierre Laffite. At that time news had just reached New Orleans that a republican decree had reversed the order of blue and white on the national checkered field.[68] This provision, it would seem, created a central field of blue to bear the medallion. Under this flag in one form or the other Commodore Aury cruised for two years beginning in

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[61] Juan E. Hernández y Dávalos (ed.), *Collección de Documentos para la Historia de la Guerra de Independencia de México, de 1808 á 1821* (6 v.; Mexico, 1877-1881), VI, 36.

[62] AGI, PdeC, Legajo 1836, Morphy to Apodaca, November 3, 1814, enclosure.

[63] *Bell's Weekly Messenger*, August 2, 1818.

[64] *Gazeta de México*, October 25, 1816.

[65] Manning, *op. cit.*, III, 1598.

[66] Francisco Banegas Galván, *Historia de México, Lib. II* (2 v.; Morelia, 1923), I, 346.

[67] Cox, *op. cit.*, 133 (wrongly identified as Venezuelan).

[68] AGI, PdeC, Legajo 1815, Sedella to Apodaca, December 27, 1815, and enclosures, colored designs and note.

June of 1816. In April of 1818 one of his vessels was spoken flying such a flag so weather-worn that the blue oblongs had faded to lilac.[69]

Jean Laffite succeeded Commodore Aury in Galveston. He succeeded also to use of the checkered flag.[70] For the first Republic of Texas, General Long brought with him in 1819 the first new flag of a new era. It was a striped lone-star flag originating in Natchez, not white and blue like that of Baton Rouge but white and red.[71] It appears to have been under these colors that the schooner *Júpiter* sailed out of Galveston, the first privateer to act in service of the short-lived republic.[72]

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[69] *Kingston Royal Gazette*, May 2, 1818, in *New York Evening Post*, s-w., June 3, 1818.
[70] *Lamar Papers*, I, 30-31.
[71] Cox, *op. cit.*, 137.
[72] *Nashville Clarion*, in *New York Advertiser*, s-w., February 29, 1820. *Cf.* same, February 22, 1820.

A CIRCULATING LIBRARY OF ANTE-BELLUM LOUISIANA

By WALTON R. PATRICK

I

A circulating library operated at Franklin, Louisiana, during the late 1840's provides an interesting testimonial of ante-bellum literary culture. Founded by Robert Wilson, a local newspaper editor, the library was built up largely through the donations of planters living near Franklin, which was the heart of one of the richest plantation districts in the State.[1] That planters contributed most of the books is not at all peculiar, for they made up the moneyed class and dominated the ante-bellum South both socially and intellectually. This fact adds to the significance of the library as a commentary on reading taste, for it reflects not only the interest of the general public, but also that of the more select portion of the populace. A brief discussion of the library's growth and operation is first in order.

II

Wilson, who appears to have been an enterprising person, had established a reading room in connection with his newspaper, the *Planters' Banner*, several months before he opened the library. The enthusiasm with which this first venture had been received encouraged him to the second.[2] In the announcement of its opening, February 18, 1847, Wilson states "... there are on hand only about one hundred and fifty works," but he promises that "others will soon be added," further noting that "... for public accommodation the charge for reading is as low as possible."[3]

[1] *Cf. The State Register: Comprising an Historical and Statistical Account of Louisiana*, compiled by A. W. Bell. Baton Rouge: T. B. R. Hatch, 1855, 94-95.

[2] This reading room, an interesting feature in itself, served a highly practical purpose, a fact Wilson never allowed his patrons to overlook: "Whenever there is a failure of the weekly papers on which the people in the country depend for news," he wrote, "the dailies of New Orleans which are always on file in the Reading Room—and often received in advance of the mail—furnish our citizens with the latest intelligence; besides, during the busy season, our planters can obtain the latest market price and other information from all the principal cities of the Union."—*Planters' Banner*, XII, 40 (September 30, 1847). At another time, Wilson boasted that "... upwards of fifty different papers and magazines may be seen at this establishment, embracing most of the leading journals and periodicals of the Union."—*Ibid.*, XII, 27 (July 1, 1847). Subscription to the Reading Room was "... only $5 per annum. Transient persons, 50¢ per month. Strangers, one week's free admittance. Subscribers to the *Banner* living twelve miles, and over, from Franklin admitted free. Mechanics working in the country, admitted free on Sundays. Apprentices admitted free at all times. School boys admitted free, daily, from one to two o'clock."—*Ibid.*, XII, 40 (September 30, 1847).

[3] *Ibid.*, XII, 8 (February 18, 1847). He charged a rate of five cents per week for each volume.

No details of its growth from the opening to April 8, 1847, are known, because the six issues of *Planters' Banner* between these dates are not extant. But apparently the library became immediately popular, and the number of volumes grew rapidly, there being 279 by April 8.[4] On April 15, Wilson writes " . . . again we have to return thanks for a contribution to the Circulating Library. A planter of this parish sent us . . . a present of twenty-six half-bound volumes. We have now nearly three hundred different works, for the greater part of which we are indebted to the kindness of our friends."[5] On May 20, he thanks a planter for a present of "twenty half-bound volumes;"[6] and on June 17, he thanks "Masters Thos. and S. Duncan" for five volumes of Mrs. Ellis's "valuable and popular works."[7] When, on July 1, he acknowledges receipt from a planter of thirty half-bound volumes, he is quite touched by the generosity of the contributors: "Our friends," he writes, "are really very kind. From three planters we have received two hundred and thirty volumes."[8] He further acknowledges receipt of books on September 23, 1847; February 10, 1848; March 30, 1848; and June 8, 1848, two of these being gifts from planters.[9] By July 20, the library contained a total of 465 volumes.[10] For some reason, after this date, Wilson made no further reference to the library in the *Planters' Banner;* possibly he was too much occupied with other affairs to be concerned over its welfare for late in 1848 he sold the *Banner* to Daniel Dennett and joined the California gold rush.

It is therefore impossible to say how many volumes were finally acquired for the library, how long it remained in operation, or what disposition was made of it. However, one contingency suggests a partial solution of these questions. Shortly after Dennett became editor of the *Banner* he wrote an editorial boasting the town of Franklin. Among other things, he said:

> We shall have a reading room on Main Street containing newspapers from all the states, and the principal cities in the Union. We shall have connected with this a library of a thousand volumes, and the public will have access to all these on the most reasonable terms.[11]

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[4] This total is based on a catalog which, beginning April 8, Wilson published in fragments in the *Banner*, so that patrons could order by number through the mail. He also posted a catalog in the post office.—*Cf. ibid.*, XII, 27 (July 1, 1847).
[5] *Ibid.*, XII, 16 (April 15, 1847). Some of the works were in two or three volumes.
[6] *Ibid.*, XII, 21 (May 20, 1847).
[7] *Ibid.*, XII, 25 (June 17, 1847).
[8] *Ibid.*, XII, 27 (July 1, 1847).
[9] See *ibid.*, for these dates.
[10] See catalog, *ibid.*, XII, 31 (July 20, 1848).
[11] *Ibid.*, XIV, 4 (January 25, 1849).

It is likely that this "thousand volume" collection was the Circulating Library, for it is reasonable to surmise that Dennett took over, along with the newspaper, both the library and the reading room. Although Dennett kept telling his patrons that the reading room (and also the library, it is assumed) which had been closed for "necessary repairs" would soon open, he was still apologizing for delays as late as January 20, 1850. At that time he stated he hoped ". . . to open it next Monday."[12] But no further notice concerning it appears in subsequent issues of the *Banner*.

III

Unfortunately, a complete catalog of the library is not extant, but the fragment printed below gives a fairly conclusive idea of the nature of its contents. A glance at the titles reveals that the works in the library were chiefly those of the popular novelists of the day—British, French, and American. G. P. R. James, Dickens, Disraeli, Bulwer, Ainsworth, Lever, Lover, and Captain Marryat are represented among British writers; Dumas, Soulie, Vigny, Sue, de Staël, and George Sand among the French; and Cooper, Melville, and C. B. Brown among the American. With the exception of five or six of these writers, the group does not represent a very high level of literary achievement. This level sinks lower as more names are added: J. H. Ingraham, J. C. Neal, Mary Howitt, T. S. Surr, Miss Pardoe, Mrs. Gore, J. S. Robb, H. W. Herbert, Mrs. Marsh, and Miss E. Pickering. In short, the range is from the better romantic writers of the day to the sentimental and melodramatic, and still further to the writers in the tradition of sweetness and morality.

Most of the works, as has been observed, were gifts of planters, and therefore, the library serves as an illustration of a pronounced phase of reading interest. In considering it as a commentary on literary taste, however, the objection may be at once advanced that it is unsound to judge what people read by books they gave away. So it may be. But, on the other hand, the planters hardly made a practice of giving away books which they had never read, or which they had bought with no intention of reading. Moreover, the fact that they donated as many as from five to seventy-five volumes[13] at a time excludes the element of chance, and indicates that a substantial portion of libraries in plantation homes

[12] *Ibid.*, XV, 1 (January 10, 1850).

[13] See above Wilson's statement, ". . . from three planters we have received two hundred and thirty volumes."

during this period consisted of just such works as were contributed to the Circulating Library. Of course, these authors indicate only the lighter phase of the reading interest, but were it possible, it would be interesting to determine what percentage of the reading consisted of this type of literature.

Though this evidence is minor, it flatly contradicts a well established tradition of thinking regarding Southern ante-bellum literary culture. This tradition is summed up in the following statement of a contemporary historian:

> The Southerner's preoccupation with defenses of his peculiar social and economic order was reflected in his own reading and writing. The educated planter found in a study of the classics an intellectual justification for the slave system. A study of ancient history taught him that the brilliant society of Athens and the power of Rome had been based upon human slavery. In addition the literate Southerner read the romantic historical novels of Sir Walter Scott, seeing in the Southern system a modern counterpart of the idealized feudal society of the Middle Ages.... Such writers as Dickens, who painted the horrors of the contemporary scene, found no place in the planter's library. When he read of modern subjects, the Southerner's tastes were likely to run to constitutional law and elaborations of the doctrines of States' rights. His reading served but to impress upon his mind the essential propriety of the Southern ideal.[14]

In brief, the classics, Scott's romances, and law formed the three "matters" of Southern reading. That such works were read—as they were elsewhere in the United States—is not to be gainsaid, but to say that the reading was narrowly restricted to three channels is to present an untrue picture. The more sensible view is that the major portion of the reading consisted of the popular literature of the day, just as is true at present. One can hardly believe that the literary taste of planters living near Franklin in 1847-48 was an anomaly. Romantic, melodramatic, sentimental literature was popular at that time, and whatever else planters may have read, such literature formed a portion of their reading.

IV

The partial catalog is presented herewith. It was published in consecutive parts in the *Banner* during 1847-48. Presumably, the first parts were published in the issues of the *Banner* between February 18, 1847, and April 8, 1847, which are not extant, for the

[14] Hesseltine, William B., *A History of the South*, New York: Prentice-Hall, 1936, 344-345.

portion published April 8, 1847, begins with title number 239 and goes through number 279. Subsequent original portions appear as follows: July 15, 1847; August 26, 1847; October 7, 1847; January 6, 1848; and July 28, 1848. The catalog is given as originally published, save for the correction of obvious printer's errors and the inclusion in brackets of authors' names where they could be established without question.

239. Diana of Meridor, or the Lady of Monsureau, by A. Dumas
240. Rupert Sinclair, or The Faithless Wife [Samuel Warren]
241. Love and Money by Mary Howitt
242. Captain Paul by A. Dumas
243. Onslow, A Tale of the South
244. George Barnwell, a novel [T. S. Surr]
245. The Battle of Life, a love story, by Dickens
246. Confessions of a Pretty Woman by Miss Pardoe
247. The Mysteries of London [Paul Feval]
248. The Castilian by the author of Gomer Arias [T. de Trueba]
249. The Devil's Wedding Ring by A. Dumas
250. The Mayor of Wind-gap by the O'Hara Family [John Banim]
251. Eben Erskine, or the Traveller, by the author of Laurie Todd [John Galt]
252. The Duke of Monmouth by the author of The Collegians [Gerald Griffin]
253. The King's Secret by the author of The Lost Heir [T. Power]
254. Allan Breck by the author of Country Curate [G. R. Gleig]
255. The Invisible Gentleman by the author of The Robber [G. P. R. James]
256. The Refugee in America, a novel by Mrs. Trollope
257. The Exclusives, a novel
258. Jack Brag by the author of Sayings and Doings [Theodore Hook]
259. Sailors and Saints by the author of the Naval Sketch Book [W. N. Glascock]
260. Blue Stocking Hall, a novel [W. P. Scorgill]
261. Burton, or The Sieges, by the author of Lafitte [J. H. Ingraham]
262. Fortesque by James S. Knowles
263. Daniel Dennisson and the Cumberland Statesman by Mrs. Hofland
264. Wieland, or The Transformation, by C. B. Brown
265. Arthur Mervyn by C. B. Brown
266. Edgar Huntley by C. B. Brown
267. Jane Talbot by C. B. Brown
268. The Repealers by the Countess of Blessington
269. The Tuileries by the author of Romances of Real Life [Mrs. Charles Gore]
270. Elvira, the Nabob's Wife, by Mrs. Monkland

271. Births, Deaths and Marriages by the author of Sayings and Doings [Theodore Hook]
272. The Forsaken by the author of The Deformed
273. Nights at Mess [James White]
274. Richmond, or Scenes in the Life of a Bow Street Officer [T. S. Surr]
275. Almack's Revisited, or Herbert Milton [C. White]
276. Life in India, or The English at Calcutta
277. Nan Darrell by the author of The Heiress [Ellen Pickering]
278. The O'Briens and O'Flahertys by Lady Morgan
279. The Knight of Gwynne by Lever
280. Tancred by D'Israeli
281. George, or The Planter &c. by Dumas
282. The Victim of Intrigue by J. W. Taylor
283. Flirtation, a Story of the Heart, by Lady Bury
284. The Dowerless by Madame Reybaud
285. The Miller of Martigne by H. W. Herbert
286. Streaks of Squatter Life by J. S. Robb
287. 26 Years of an Actor's Life by Wemyss [*sic.*]
288. Typee by Herman Melville
289. The Women of England by Mrs. Ellis
290. The Wives of England by same [*sic.*]
291. The Mothers of England by same
292. Pictures of Private Life by same
293. A Voice from the Vintage by same
294. Home, or The Iron Rule, by Sarah Strickney
295. Story of a Royal Favorite by Mrs. Gore
296. Cousin Nicholas, a tale
297. Printz Hall, by the author of Blackbeard
298. Merchant's Daughter by the author of The Heiress [Ellen Pickering]
299. Cheveley by Lady Bulwer
300. The Disowned by Bulwer
301. Royston Gower by Thomas Miller
302. Solomon Seesaw by J. P. Robertson
303. The Desultory Man by the author of Darnley [G. P. R. James]
304. Autobiography of Jack Ketch [Charles Whitehead]
305. The Black Watch [A. Picken]
306. Omoo by the author of Typee [Herman Melville]
307. Agnes de Mansfeldt by T. C. Grattan
308. King's Own by Marryat
309. Diary Illustrative of the Times of George IV [Lady Charlotte Bury]
310. Athens, Its Rise and Fall by Bulwer
311. Venetia by D'Israeli
312. Stanley, or The Recollections of a Man &c.
313. Corse de Leon by James
314. Ernest Maltravers by Bulwer
315. The Doomed
316. Shakespeare and His Friends [Lander]

317. Life of Mrs. Siddons by Thomas Campbell
318. The Deerslayer by Cooper
319. Cecil, or The Adventures of a Coxcomb [Mrs. Gore]
320. Conti the Discarded by Chorley
321. Tales of Fashion and Reality [C. F. and H. M. Beauclerk]
322. Diary of a Désennuyée [Mrs. Gore]
323. Leila by Bulwer
324. Richelieu, a play, by Bulwer
325. Winter Evening Tales by Hogg
326. Diary of Lady Willoughby
327. The Roman Traitor by H. W. Herbert
328. Russell, a novel, by James
329. Cinq-Mars by Count Alfred de Vigny
330. Marriage by Miss Ferrier
331. Tales of Woman's Trials by Mrs. Hall
332. The Inheritance by Miss Ferrier
333. Matilda by E. Sue
334. Temptation by E. Sue
335. The Battle of the Factions by Carleton
336. Sam Slick in England [Judge Haliburton]
337. Blanche Livingston by Mrs. Hofland
338. Adventures of Simon Suggs [Johnson Hooper]
339. Mansfield Park by Miss Austen
340. Woman's Reward by Mrs. Norton
341. Trial of Myers for the Murder of Hoyt
342. The Expectant by Miss Pickering
343. Travels in the West by Farnham
344. Fremont's Expedition in 1842
345. The O'Donoghue by C. Lever
346. Amaury by A. Dumas
347. St. James by Ainsworth
348. Arabella Stuart by James
349. The Brothers, a tale of the Fronde [H. W. Herbert]
350. President's Daughters by Miss Bremer
351. The Mysteries of Paris by E. Sue
352. A Chance Medley by T. C. Gratton
353. Contarini Fleming by D'Israeli
354. Nevilles of Garetstown by Lever[15]
355. The Smuggler by James
356. The Commander of Malta by E. Sue
357. Emilia Wyndham [Mrs. Marsh]
358. Adventures in Mexico by Seasfield
359. Gerolstein by E. Sue
360. Count of Monte Cristo [A. Dumas]
361. The Botanic Garden by Dr. Durwin
362. The Collegians, a novel [Gerald Griffin]
363. The Mystery of the Heath by F. Soulie
364. Rory O'More, a romance, by S. Lever

[15] Written by the Rev. Mortimer O'Sullivan and incorrectly attributed to Lever. *Cf. Dictionary of National Biography*, XI, 1019.

365. The Youth of Shakespeare, a novel [Lander]
366. Charcoal Sketches by Joseph C. Neal
367. Lord Roldan, a romance, by Allen Cunningham
368. The Creole, from the German of Zschokke
369. The Woman of the World [Mrs. Gore]
370. The Groves of Blarney by Mrs. Hall
371. The Ransomed Bride by E. F. Weld
372. David Hunt and Malina Gray by Mrs. Steppens
373. Colonel de Surville by E. Sue, translated by Thomas Pooley, Esq.
374. Consuelo from the French of G. Sand
375. Isabel of Bavaria by A. Dumas
376. Martin the Foundling by E. Sue
377. St. Giles and St. James by D. Jerrold
378. The Maid of the Valley by A. J. Herr
379. The Author's Daughter by Mary Howitt
380. The Female Minister
381. Russell by James
382. Martin Chuzzlewit by Dickens
383. Chevalier D'Harmental by Dumas
384. Lucretia by Bulwer
385. The Heiress by Miss E. Pickering
386. Arrah Neil by James
387. Lautredumont by E. Sue
388. The Crime of the Borgias by A. Dumas
389. Margaret Graham by James
390. The Castle of Ehrenstein by James
391. The Black Prophet by W. Carlton
392. The Greatest Plague of Life
393. St. Giles and St. James by Douglas Jerrold
394. A Simple Story by Mrs. Inchbald
395. The Countess of Rudolstadt, a sequel to Consuelo [G. Sand]
396. The Journeyman Joiner by George Sand
397. Joseph Rushbrook by Captain Marryat
398. Ardent Troughton by Captain Marryat
399. Sketches of the War with Mexico by Captain Henry
400. The Quadroon by the author of Lafitte [J. H. Ingraham]
401. Cecelia, or Woman's Love, by A. Dumas
402. Norman's Bridge by the author of Emilia Wyndham [Mrs. Marsh]
403. The Wayside Cross by Captain Milman
404. Monima, or The Beautiful French Girl [H. Haydn]
405. Margaret Graham by James
406. The Cruise of the Midge by the author of Tom Cringle's Log [Michael Scott]
407. Sybil Lennard by Mrs. Grey
408. The Insnared by Lady Charlotte Bury
409. The Countess of Morion by H. W. Herbert
410. Wood Leighton by Mary Howitt

411. The Knight of Gwynne by C. Lever
412. The Greatest Plague of Life
413. Life of John A. Murrel
414. Cousin Hinton by Miss E. Pickering
415. Sir Henry Morgan, the Buccaneer, by E. Howard
416. The Crater, or Vulcan's Peak, by Cooper
417. The Next of Kin by Mrs. Gore
418. Ingleborough Hall by H. W. Herbert
419. A Tale of the Catholic Church [R. J. Cleveland]
420. Valchreuse, from the French of Sandeau
421. Kitty's Relations and Other Sketches by Miss Leslie
422. Benjamin the Jew of Granada by E. Maturin
423. Captain O'Donavan's Adventures in Mexico
424. The Duke and Cousin by Mrs. Grey
425. Wagner the Wehr Wolf by G. W. M. Reynolds
426. Pastourel by Frederick Soulie
427. The Pirate's Cove by Donald O'Bannon
428. Rody the Rover by W. Carleton
429. The Greatest Plague of Life
430. St. Giles and St. James by Douglas Jerrold
431. The Wayside Cross by Captain E. A. Milman
432. The Convict by G. P. R. James
433. Monima, or the Beautiful French Girl [H. Haydn]
434. Legends of Mexico by G. Lippard
435. The Chain of Destiny by the author of The Orange Girl of Venice
436. Clinton Bradshaw by the author of Howard Pinkney [F. W. Thomas]
437. The Unfortunate Maid by Captain O'Shaugnessey
438. Marmeduke Herbert by the Countess of Blessington
439. Norman's Bridge by the author of Emilia Wyndham [Mrs. Marsh]
440. Walter Wolfe by Thomas Dunn English
441. The Crime of the Borgias by A. Dumas
442. Christopher Tadpole by Albert Smith
443. The Wayside Cross by Captain E. A. Milman
444. Deerbook, a novel by Harriet Martineau
445. The Devil's Pool by George Sand
446. The Parricide by the author of Life in London [F. M. Reynolds]
447. Ormond, and Clara Howard, by C. Brockden Brown
448. James the Second by Ainsworth
449. Wallace by G. Alexander
450. The Prairie Bird by E. A. Murray
451. The Sin of Mons. Antoine by G. Sand
452. Brien O'Lim by the author of Wild Sports of the West [W. H. Maxwell]
453. Sir Theodore Broughton by James
454. Jane Eyre by Currer Bell

455. Midsummer Eve by Mrs. S. C. Hall
456. The Last of the Fairies by James
457. Wuthering Heights by Currer Bell
458. Old Hicks the Guide by C. W. Webber
459. Now and Then by Samuel Warren
460. Ten Thousand a Year [Samuel Warren]
461. Esther de Medina [G. W. M. Reynolds]
462. Domby and Son by Dickens
463. Sir Theodore Broughton by James
464. Jane Eyre by Currer Bell
465. The Children of the New Forest by Marryat

ACCORDING TO THE CODE

By JOHN S. KENDALL

In a not remote quarter of the city of New Orleans there is a spacious pleasure-ground, where, on sunny afternoons in winter, children frolic in innocent gaiety under the watchful eyes of parents and nurses, and, in the summertime, the students of the city schools have their picnics. Rows of ancient trees shade the fragrant roads which meander delightfully across its quiet precincts, and a little, silver lake unrolls its shining length from one end of the enclosure to the other, with white swans and black swans swimming majestically upon its rippling surface. At every season of the year it is a place which breathes repose. Nothing more alluringly quiet than its vast, velvety lawns can be imagined, unless it be the shadowy retreats guarded by the moss-hung branches of its secular oaks.

This is the City Park, an area of some two hundred acres, which a not-always intelligent city-government has somehow managed to convert into one of the most attractive and characteristic resorts in the country, and which some day will be multiplied many times in size, thanks to the fortunate purchase of an immense tract of the adjacent country. Once, nearly a century ago, it formed part of a plantation belonging to a wealthy citizen of New Orleans by the name of Allard. In those days the property extended all the way from the Bayou St. John to the Orleans Canal, a distance of probably three miles, and had an area something like four or five times as great as it has since come to have. It was really out in the country then. The settled area of the city did not extend much beyond Claiborne Avenue. One might drive out to Allard's estate by the pretty road which ran along the margin of Bayou St. John, and never suspect for a moment that all those open and neglected fields would, within less than three generations, as men reckon time, be covered with the closely-built habitations of thousands and thousands of respectable citizens.

Allard was, it seems, a man of literary tastes. He wrote some fairly meritorious poetry. Perhaps it was for that reason that, as he came to old age, he found his great estate steadily growing

less. First one portion and then another had to be sold to meet the demands of importunate creditors. Finally, there remained but one section, that comprised within the present park, and this was mortgaged to the eccentric New Orleans millionaire, John McDonogh. Eventually, McDonogh acquired the ownership under foreclosure proceedings, and then, when he died, in 1850, he left the property jointly to the citizens of New Orleans and Baltimore. There was the usual partition sale, and New Orleans acquired the whole of the tract and, in a moment of inspiration exceptional not only in its own history but in that of municipalities in general, determined to devote the property to park purposes.

In the meantime Allard continued to live undisturbed on his beloved acres. There was, first, some sort of agreement between him and McDonogh whereby he was suffered to remain as long as that much-maligned philanthropist retained possession. Then, by a similar agreement with the city of New Orleans, Allard's rights were recognized, and he dwelt there till his death. Even after death he remained, for when he was laid in the tomb, it was a tomb erected beneath the ancient oaks of his quondam estate—a tomb of which some fragments may be seen today, faithfully preserved in one of the prettiest parts of the city's charming playground.

It was perhaps just as well. For New Orleans was not for many years in a position to do anything to carry out the plan of making over the property into a park. First came the Civil War, and then the Reconstruction Era, with its incredible wastes and incompetences. It was not till 1896 that the municipality felt in a position to take up the task, and even then the work was handed over to a park board, and left largely to private inititative and not a little to private financing. Let us not forget, in passing, to pay a tribute to the good citizens who gave so freely of their time and means to make this delightful place what it is today.

It really is delightful, because it is one of those places which could only come about in New Orleans. Probably there is no park in the United States which is less like the typical American pleasure ground, or has so much of Gallic atmosphere and charm. As one wanders about under the shade of its well-kept groves, along its neatly curving roads, one sees the white columns of kiosks, band-stands, and pergolas; the attractive roofs of refreshment booths; the equipment of playgrounds and tennis courts; all making

sport, as it were, of the ideal which restricts so many American municipal resorts to a sort of bogus rusticity, careless that human nature—especially New Orleans human nature!—hankers for the comfort, convenience, and picturesqueness of buildings, even in the midst of the most remote and unfrequented groves and grass-plots. In fact, the City Park is a Bois de Boulogne far more than it is Central Park, and is, therefore, a ligitimate expression of the French tradition which yet lingers in Bienville's capital.

As you enter the City Park today—and let us hope you will do so on one of those exquisite Spring afternoons, when the tepid atmosphere and all-prevading sunlight makes a kind of physical ecstacy of the mere fact of being out-of-doors!—you will see before you, at a little distance across the smooth expanses of close-clipped green sward, a line of wide-spreading, low, moss-draped, venerable trees. They stretch across almost the entire width of the park, arching the roadway that traverses the grove with boughs that are like the arches of some Gothic cathedral, and that are hung with long grey tendrils of Spanish moss which remind one of the dusty banners hung up in ancient European churches by olden knights. This is the spot favored by those merry little people and school picnickers that I have spoken of. It is the pleasantest place in the park—and the one which most deeply stirs the impulses of the historian; for this has not always been the playground of children, but it was, once, in the first part of the last century, New Orleans's most popular dueling-ground—perhaps the most celebrated dueling-ground in the world. Here have fought thousands of the city's bravest and best; here we are probably safe in saying have perished scores of gallant young men. This springy turf, which lends itself so admirably to the exigencies of childhood's games, lent itself for many years with even greater facility to the heel of the swordsman as he lunged and parried in deadly siege with a relentless adversary. These great trees, which bend down shelteringly over the golden hair of romping little tots today, have been startled a thousand times by the crash of firearms or the sudden scream of a man's agony as, wounded to death, he has fallen to the ground, staining their gnarled roots perhaps with the last drops of his heart's blood.

"Les Chênes d'Allard" they were called in those days—Allard's oaks,—and there was a euphemistic phrase in use in New Orleans to describe the duels fought in their shade: They were "meetings

'under the oaks' ". Even to the present time the words, "under the oaks", have a sinister significance in New Orleans, even to those who have never heard of Allard and do not know precisely what "oaks" are meant. It was in 1834 that this secluded corner of Allard's great estate began to be used by the duelists. From that time on till the Civil War practically all the duels fought in the city took place here. After the Civil War, dueling gradually came to be frowned on, and these tragic comedies were enacted less and less frequently, and the Oaks lost their melancholy popularity. What duels were fought in the '70s and '80s—for the practice did not fade out of the social life of New Orleans until then—took place rarely at the Oaks; for by that date the region was beginning to be settled up, and one could not be sure that an "affair" could be carried to a satisfactory conclusion before some passer-by would discover what was going on and notify the unsympathetic policeman. So irritable people began to let each others blood at remote spots along Lake Pontchartrain, or across the Mississippi, over in Jefferson Parish; and I imagine that the inconvenience of such distant journeys had as much to do with discouraging dueling as any considerations of immorality, or the fact that it was against the law.

Prior to 1834 the place where most of the duels were fought was the Fortin Plantation, a bit of property now included in the property of the New Orleans race-course. Earlier than that, even, there are stories of duels fought in the little garden behind the St. Louis Cathedral; though such must have been impromptu affairs, for one can hardly imagine even the hottest-headed Creole deliberately selecting the precincts of the church as the scene of so censurable a performance. There can be no doubt, however, that from the very foundation of Louisiana duels were fought, and one can be sure that every convenient locality was utilized, at one time or another, for that purpose.

In 1830 New Orleans entered upon that period of prosperity which was destined to continue, in a steadily increasing volume, down to the Civil War. The city was already the second largest port in the United States, and for a time it looked as though it might become the first. The transcontinental railroads, which were to rob it of much of its commercial prestige, had not yet been built, and the commerce of half a continent still centered upon its wharves. Money was plentiful. Fortunes were easily made.

There was the constant menace of yellow fever. Men who remained in the city through the summer courted death. Life was consequently lived in a hectic sort of way. It was a great gamble, in which the stakes were large, and in which the loser might lose not merely wealth but everything else. One has to read Maunsell White's description of his first months in New Orleans to see how feverish was the spirit of the city at that time. There was a gaiety, an amplitude, a sort of magnificence to it, also; for where the risk is great, the mind feels spurred to its chiefest vigor, and each day is lived with a fullness and an intensity perhaps impossible under other circumstances.

Nevertheless, New Orleans was a city exceptionally cultured among the cities of the United States. It had most of the airs and graces of a minor European capital, at a time when New York was little more than an overgrown village and Chicago was a tiny trading-post in the wilderness. The women were reared in an atmosphere of refinement and elegance, in hospitable homes, under the eye of mothers who had been educated in Europe. The men felt an interest in art, literature, and especially in music, as real as it was conspicuous. Society was fundamentally aristocratic, feudal, inflexible. It was based upon slavery as an institution. There were codes of opinion as well as of laws. Men subscribed to one as blindly as to the other. A merchant's word was better than his bond; even at the bank, a verbal promise was as effective as a written document. A bankrupt excused his disgrace by blowing out his brains. A woman's reputation was priced above rubies; no one could question it without being called to account, even by persons who had no justification in relationship or even friendship. Honor, such as it was then understood, was enshrined in public opinion. Men lived by its stern dictates. What is more—they fought and died by them.

One can easily understand how, under such conditions, the Oaks came into their evil fame. The smallest breach of courtesy, no matter how unintentional; the slightest suggestion of unfairness in a business deal; even a moment's awkwardness—were sufficient grounds for a challenge. Hence, the number of duels which took place every day—three or four, according to some authorities, and sometimes more; so that, in a famous criminal trial which resulted from one of these encounters, a witness was able to testify, under oath, that he had been present at twenty-nine duels which had

ended fatally, and literally at hundreds which did not come to so tragic a close. Lafcadio Hearn, in a little-known article on the subject, tells a story of a party of young Creoles, who, probably somewhat the worse for liquor, were returning from an evening's entertainment and crossed a bit of smooth, level, spring turf on the outskirts of the city. Suddenly one of them stopped, tested the ground with his foot, and exclaimed, "Quel lieu pour se battre!"—what a splendid place to fight! One of his companions thought so too, and a proposition to take advantage of so fortunate a circumstance was eagerly accepted. Swords were out, a few passes warmed their blood; from jest the play became earnest, and before the party separated, it is said two of their number were stretched on the ground, badly wounded.

A knowledge of weapons was, therefore, something more than an elegant accomplishment in those days. The young Creole especially felt that to be less than an expert with the small-sword or with the dueling-pistol was to be unworthy of his caste. Those who received their schooling in Paris were, of course, trained under the *maîtres d'armes* of the French capital. But the less fortunate young men, who grew up knowing New Orleans only, did not altogether lack opportunities to acquire skill with the *colichemard*. Fencing schools were numerous all through the period from 1830 to 1860, and there were some teachers whose names are still remembered in the city where they once lived. The most celebrated was L'Alouette, an Alsatian; Montiasse, another Alsatian who had fought under the banners of Napoleon; Cazerès, who came to New Orleans from Bordeaux; Baudoin, who had been a professor of fencing in Paris; the two brothers Rosière, of Marseilles; Dauphin, who fought many duels himself and fell at last in one which he had recklessly and unnecessarily provoked.

So highly valued was this particular type of skill that the almost unpassable barrier of race disappeared in the fencing-hall. The proudest white in the city did not scruple to accept instruction from black masters, if the latter were sufficiently talented. There were, for instance, Black Austin, a free negro, who was famed for his ability with the small sword; Robert Severin, a handsome mulatto, who was killed eventually in a duel in Mexico; and Bastile Croquière, another mulatto, who is said to have been one of the most accomplished swordsmen ever known in Louisiana. These men took only white pupils.

Some of the old fencing halls are still pointed out. There is, for instance, the building on Conti Street, between Chartres and Decatur, just one door removed from Chartres, which was the home of the Orleans Fencing Club. The spacious room on the upper floor of the old meeting-house of the Polar Star Lodge of the Masons, just below Esplanade Avenue, is said also to have been a frequent scene of exhibition contests between rival teachers. One hears also of the Salle St. Philippe and of the exhibitions there, but just where this place stood is not clear, unless the old St. Philip Street theatre, now demolished, is meant.

Some of the most famous duels which have taken place under the "Oaks" were fought between the fencing masters whose names we have mentioned, and grew out of professional jealousies. Dauphin, for example, fought a duel here with shotguns and disposed of his adversary at the first fire. Another professional named Bonneval fell in a fight with Reynaud, also a professional. L'Alouette killed the fencing master Shubra here. Here also occurred that duel between Gilbert Rosière and the young man who foolishly laughed at the old fencing-master because he was moved to tears when he heard a favorite song beautifully sung at the Orleans theatre. "If I weep," said Rosière, turning upon the indiscreet youth, in formidable wrath, "I can also fight," and the next morning the unfortunate fellow learned by bitter experience that laughter is sometimes out of place, even at the playhouse.

Rosière was, in fact, one of the most attractive of these old-time masters of the sword. He was a gay, whole-souled, irascible fellow, who earned large sums by the exercise of his art, and spent them as quickly as they were placed in his hand. He was a native of Bordeaux, and came to New Orleans when quite young, intending to devote himself to the practice of the law. But he fell in with a giddy company, became their leader in all manner of devil-may-care adventures, and finally laid aside the law-book to take up the foil. During the Mexican War he was in constant demand among the officers who filled New Orleans and wanted to learn how to use the arms they were soon to utilize upon the battle-field. Rosière is said to have made a fortune at this time. If so, he did not keep it. When the Civil War began he was amongst the first to answer Beauregard's call for men. He enlisted in the Orleans Guards and was with that command at Shiloh. He was a curious mixture of swashbuckler and gentleman. Brave as a lion and loving battle

for its own fierce sake, he was yet devoted to little children and was never known to harm a defenseless thing, and his love of music was profound, sincere, and unaffected.

Less attractive in personality perhaps, but not less skillful than Rosière, was Thimécourt. In the spring of 1840 there was an exhibition of professional swordsmen at the old Salle St. Philippe. Thimécourt, of course, was present, and so was Poulaga, an Italian expert, famous for his gigantic strength and Herculean proportions. Poulaga took part in several broadsword contests. He was particularly clever with that formidable implement. Finally Thimécourt stepped forward to cross swords with him, and with a few passes showed himself his equal, if not his superior. Poulaga, greatly annoyed, sneeringly observed that his youthful adversary was "tolerably good—for a beginner".

"Indeed?" returned Thimécourt. "Well, I'll try you out on the field!"

No sooner said than done. They went out to the Oaks immediately, and there the contemptuous Italian was almost cut to pieces with his own preferred weapon. Poulaga died on the spot, and Thimécourt fell heir to his position and reputation.

On a subsequent occasion Thimécourt had a difference of opinion with another notable teacher named Monthiarch, a man who was fat and good-humored, and could never be induced to quarrel except with a fellow professional. The broadsword was again the gravamen of the dispute, so they used that terrible weapon. The contest though brief was decisive. Monthiarch led off with a slash at his adversary's head. The coup was expertly planned and skillfully executed, but Thimécourt was too old a bird to be caught that way. Instead of parrying, he dodged, with the result that his hat was split in two and his scalp slit, but he rose within his opponent's guard and plunged his sword into Monthiarch's broad chest in a magnificent *coup de pointe.* There was no surgeon present, and the seconds interfered, claiming that the injury was serious and must have prompt medical attention. But Monthiarch insisted upon proceeding, and when his own friends declined to allow this, took from his pocket a handful of tow, stuffed it into the wound, and walked off the field, roundly and profanely denouncing a code which did not permit a man to settle matters with his adversary when he had suffered no damage more serious than a thrust through the lung.

But not all the encounters that took place at the Oaks were between *maîtres d'armes*. Some of the strangest tales that have come down to us from that picturesque ante-bellum period have to do with quite another and superior class of population. Such names as Augustin, Pedesclaux, Grailhe, Marigny, Hiriart, La-Branche and Couvillier, each of which is connected with some of these bloody old stories, belong to the most distinguished families in the Creole aristocracy. Some of them are remembered not so much as duelists but as eminent professional and business men. Such, for example, was Augustin, who, after figuring in a number of duels in his youth, became a district judge and general of the Louisiana Legion. Pedesclaux, another fire-eater, subsided in middle-age into a respected office-holder whose name occurs frequently in the old real-estate records of New Orleans. He was a tall, muscular, athletic young fellow, hot-tempered and impetuous,—one of those dominating, supercilious persons who would irritate the mildest of men and make anybody long to measure swords with him. He had that effect upon Augustin, who took him out under the Oaks on one occasion and wounded him in the sword-arm before the duel had gotten fairly under way.

Augustin was then a slender, studious boy, with very little skill in the use of arms, and no experience whatever on the field of honor. He and Pedesclaux quarreled one afternoon in the old Place d'Armes, at the close of a parade in which they had taken part, as officers of one of the local militia companies. Augustin wore a fine new sword, and Pedesclaux, approaching him and kicking the weapon contemptuously aside, exclaimed, "What on earth could you do with that?" Augustin answered, "If you will go with me out to the Oaks, I'll show you!" Each of the young men sought out two friends to act as seconds, and the next morning they fought in the cool shadow of the ancient trees, with the wholly unexpected result that I have described. Everybody had felt that the odds were heavily in favor of Pedesclaux, who had figured repeatedly in such affairs, and when Augustin so promptly disabled him, there was a good deal of amusement, in which his adversary had the grace to join. It is said that the two young men affected a reconciliation and that the entire party then adjoined to the nearby restaurant of the "Renaissance des Chênes Verts", where a jolly breakfast brought the incident to a close.

I have mentioned these two men especially, because each of them figured subsequently in a very curious episode. Pedesclaux

fought one of the few duels of which we have a record as taking place on horseback. It seems that he was annoyed in some way by a retired French cavalry officer who had come to make his home in New Orleans. Thereupon Pedesclaux sent him a cartel. The Frenchman, according to the code, had the privilege of naming the weapons. He selected sabers. He was an older man than Pedesclaux, of great strength and endurance, and, of course, in view of his profession, a master of his weapon. Pedesclaux was slighter, but his superior agility offset the other's advantage in weight. They mounted and took their stations at opposite ends of the field. At the words, "Allez, Messieurs," they darted towards each other, exchanged blows, wheeled, and came back at each other in terrible earnest. The affair, however, lasted but a moment. The ex-cavalry man aimed a terrific stroke at Pedesclaux, which, had it reached its destination, would have deprived him of his head. The young Creole dodged, and the only effect was to throw the Frenchman momentarily off his guard. Pedesclaux, by a rapid half-circle, with one well-directed lunge, drove his blade through the body of his assailant, who reeled and fell from his saddle, dying shortly thereafter.

Augustin fought Alexandre Grailhe and inflicted upon him a wound which made him an invalid for a long time. The cause of action has been forgotten, but it appears to have been serious, for the duel was marked, on Grailhe's part, at least, by the greatest fury. It is said that the two men rode out to the battlefield in a carriage with some ladies, and managed to conceal from their fair companions, by an affectation of extreme cordiality toward one another, the hostile character of their outing. In the encounter Grailhe received a wound in the chest which kept him in bed for weeks, hovering between life and death, and when at last he was able to leave his chamber, he was bowed and emaciated like an octogenarian. Eventually an abscess formed in the perforated lung, and, medical science in that day not being as advanced as it is at present, the physicians, unable to reach it by an operation, agreed that the patient's days were numbered.

But even under such conditions Grailhe, who, one would think, would have given himself up to preparations for the other world, managed to pick a quarrel with that great luminary of the Creole social world, Colonel Mandeville de Marigny. The duel which resulted also took place at the Oaks. The weapons were pistols.

They were chosen instead of the accustomed small sword, in view of Grailhe's physical state, in which he was quite unable to defend himself with that weapon. The principles were stationed fifteen paces apart. They were each to fire twice, then to advance five paces and fire at will. Grailhe, however, fell at the first shot. The bullet had lodged exactly in his first and still unhealed wound. The pain was extreme.

Marigny, who was an experienced duelist and very strict in his observance of the etiquette of the field of honor, coolly advanced the five paces, and stood ready to fire his second shot.

"Proceed", gasped Grailhe, who was equally punctilious as to the proper procedure under these circumstances. "You have another shot."

Marigny looked at his prostrate foe, writhing on the ground and bathed in blood. Then he raised his pistol and discharged it into the air. "I am not accustomed to injure a fallen adversary," he said with grave formality.

New Orleans expected Grailhe to die this time, but he didn't. On the contrary, his health began to improve from that day. It seems that the bullet had penetrated the abscess which was threatening his life, and the poison drained out through the wound. Soon he was back on the streets of the city, as erect as ever. He lived to a ripe old age, and in 1860 was a candidate for mayor of New Orleans against John T. Monroe, who, needless to say, was elected.

Among the places where, according to well-authenticated local tradition, most of the quarrels originated which ended out under the oaks, none figured oftener than those public ball-rooms, like the Salle Condé or the Salle Orleans, so popular in New Orleans in the early years of the last century. The Opera House, too, another favorite resort of elegant and cultured Creole society, is credited with being responsible for its share of duels. One or two of the most celebrated of such encounters may be related here, to illustrate not only the eagerness with which the young bloods of that time welcomed an opportunity to let a little blood but the passionate interest and deadly seriousness with which New Orleans took art matters, particularly music, a century ago. The most curious of these affairs was the Bozonier-De Coppens duel, in 1858, which resulted from a quarrel between two singers at the Opera House, taken up by their admirers, and finally made a

personal issue by these two young men who, probably, did not know the ladies in question except across the footlights.

It seems that the leading lady that winter was the celebrated Mme. Colson, so much admired not only in New Orleans, where she sang repeatedly, but in New York. She had been engaged after the beginning of the season to take the place of Mme. Pretty-Baille, who, though possessed of a fine voice and great personal beauty, had managed to make herself unpopular with an influential portion of the local opera-going public. The result was that there arose divisions among the habitués of the establishment, and not only that, but within the ranks of the company as well. Mlle. Bourgeois, the contralto, who was a close friend of the cashiered Mme. Pretty-Baille, in particular espoused her cause.

Towards the end of the season, when the time came for Mlle. Bourgeois to have her benefit, she selected Massé's opera of "Galathée". According to the usage of the Opera House, the title-role in this work should have been sung by Mme. Colson; but the beneficiary offered it to Mme. Pretty-Baille, who, after leaving the company, had remained in New Orleans, earning her living by giving music lessons. This was, in fact, an open slight upon Mme. Colson. She had many friends, and they announced their intention of seeing that Mme. Pretty-Baille did not appear on the stage on the appointed night, or, if she did, then they intended to make her regret her temerity. But Mlle. Bourgeois had her following too, and it was just as determined that, come what might, the benefit should be a success. If anybody hissed Mme. Pretty-Baille, it was announced, he would be held personally accountable. Such a threat could have in New Orleans at that day but one result: scores of people, who otherwise had no interest in the matter, determined to go to the theater and hiss the singer, and see what could be done about it.

Gaston de Coppens was one of these. He was one of the best-known young men in the city. One day he and a group of other young men were discussing the absorbing subject of the approaching benefit. Among those present was Emile Bozonier, another clever, high-spirited young man, whose courage and address were by-words in New Orleans.

"Well, Emile," cried one of the party. "And what will you do? Hiss the Pretty-Baille, or defend her from her detractors?"

"Me?" returned Bozonier. "Certainly I shall defend her. Who would go to a theater to hiss a woman—especially a pretty one? Anybody who would do that is a blackguard."

De Coppens face flushed with anger. "Do you realize", he said hotly, "that I am one of those who have announced their intention of doing that very thing?"

"No, I did not," answered Bozonier, pointedly. "But that, of course, would not have made any difference. I mean what I said."

"What would you do to a man who hissed on such an occasion?"

"If he were near enough for me to reach, I would slap his face."

"You will have your hands full, then," said De Coppens shortly.

The matter rested there till the night of Mlle. Bourgeois' benefit. When the curtain rose, the Opera House was packed to the doors. The gay and brilliant audience, however, was restless and agitated. Everybody was on the qui vive. Something was going to happen—nobody knew precisely what—something exciting and possibly dangerous; and everybody was eager for it to begin. It was delayed, however, until the curtains concealing the statue of Galathée were drawn aside, and the sculptor's work began to live and move and sing; and then, as though moved by common impulse, there broke forth a tumult the like of which the old theater has never seen, and was destined, fortunately, never to see again. A storm of hisses greeted the pretty singer. Frantic applause echoed from another quarter. Jeers and groans replied. Each side tried to howl the other down. In the midst of the tumult the plucky singer went on with her part as though nothing untoward were in progress. No one heard her, however. After the first outburst the ladies in the audience, frightened, withdrew. The rest of the performance was wildly disorderly, but the management was not without courage, and the whole of Massé's brilliant little work was given, in spite of the noise.

De Coppens and Bozonier were present but did not meet on that eventful night. The next day, however, they encountered each other on Royal Street.

"Well, monsieur," demanded De Coppens, aggressively, "what of that slap?"

"Pardon the delay," retorted Bozonier, and applied his hand in a stinging blow to the other's cheek.

A challenge followed, of course. Bozonier, who was not familiar with either small sword or pistol, named sabers as the weapons. The duel was one of the most fiercely contested that the Oaks have ever seen. It had been agreed that the fight should last until one or the other of the contestants was disabled. An eye-witness tells us that Bozonier made a rush at De Coppens and feinted, and then, taking advantage of his adversary's attempt to parry the blow, swung his sword at him in a stroke which, had it landed, would undoubtedly have brought the contest to an immediate and fatal ending. But De Coppens by a dexterous movement escaped the full effect, although he suffered a bad cut on the cheek and chest and was momentarily felled to the ground. Bozonier chivalrously refrained from pressing his advantage, and gave De Coppens time to get back on his feet. His sword found Bozonier's sword-arm and severed the muscles above the elbow. Before the seconds could intervene, the unfortunate man sank to his knees, bleeding from half a dozen wounds. Both men had to be carried off the field, but, happily, neither succumbed to his injuries. In fact, they recovered completely and lived to fight gallantly in the Civil War. De Coppens eventually became colonel of one of the Louisiana regiments, and fell at the Battle of Seven Pines.

The opera season of 1858-9 was also productive of a duel between Emile Hiriart, the dramatic critic of the *Daily Delta*, and E. Locquet, which ended in a still more tragic manner. Hiriart, who was a very brilliant and caustic writer, published, only a month or two after the duel just described, a notice of a performance in which Mlle. Bourgeois took part, and incidentally referred in sarcastic terms to the lady's admirers among the dilettanti. This gave offense to a number of Creole gentlemen and they challenged the author. Hiriart accepted. He was quite without a sense of fear. He was the son of a well-known citizen of New Orleans, prominent in state politics, an ex-soldier who had served both in the armies of the French Republic and of the Emperor Napoleon, and was famous for the number of duels in which he had taken part. The son was worthy of his sire. All he asked was that he be allowed to meet his challengers one each day, until all of them had received satisfaction. Two meetings were held. On the second occasion Hiriart's adversary was L. Placide Canonge, the distinguished writer and journalist, who championed the cause of Mlle. Bourgeois in the *Bee*. Pistols were used, and each fired twice.

Nobody was hurt, although Hiriart's bullets both passed through Canonge's clothing. The third challenger was Locquet. He was a Belgian by nationality, and head of a prosperous cotton-brokerage establishment in New Orleans.

Hiriart, it is said, annoyed at the poor results of his marksmanship with the pistol, used his right as the challenged party to select new weapons. He chose double-barrelled shotguns, each barrel loaded with a single heavy ball. This was a very formidable weapon, rarely used by the Creoles, and almost always caused the death of any person so unfortunate as to be wounded. The duel was not fought at the Oaks, but in a field in the then remote part of the city traversed by the "Carrollton railroad"—that is, somewhere on what is now St. Charles Avenue, between Napoleon Avenue and Broadway. It was Mardi Gras Day. The two men were placed forty yards apart. They fired at the same moment. Both were seen to totter and fall. Hiriart, however, almost immediately recovered himself and rose to his feet. His enemy's bullet had struck his gun and thrown it back against his chest, inflicting a painful bruise and knocking him down. But Locquet had received a terrible wound in the side, the ball passing entirely through his body. He died instantly.

From the anecdotes related in the foregoing pages of this most veracious chronicle, the reader will, perhaps, infer that dueling in New Orleans was limited to the Creole population. This, however, was not the case. Of course, as long as the city was populated exclusively by the French and Spanish or their descendants, what duels occurred were fought between people of Latin origin; hence, the incidents which we have related have the color and grace, the refinement and chivalry characteristic of that situation. How could it be otherwise with combatants of such ancestry?

But in the first decades of the last century, when Louisiana had, somewhat unexpectedly to herself, become a part of the United States, many Americans made their way to the city. They found the duel so strongly entrenched in the social organization that they were forced to accept it, although in the majority of cases we may well believe they did so reluctantly and with many painful twinges of conscience. Nevertheless, they fought; and in the relations between them and the "old population", as the Creoles haughtily called themselves, there were plenty of opportunities to

send and receive challenges to "go out" for a meeting "under the Oaks". The newcomers were doubtless overbearing and intolerant; the Creoles were touchy and resentful. The former felt that they had a job to do. The latter looked back with affection and regret to the good old days when the Spanish or the French banner floated over the land. One can see just how, under such circumstances, the duel should flourish.

Some curious changes in the "code" resulted. Whereas the Creoles had usually fought with the rapier, small-sword, or colichemard—these names were applied indifferently to the weapon which is now generally called a foil—the Americans, who were not accustomed to its use, relied on the pistol. Duels became more often fatal. For the small-sword, in the hands of skilled men, need not necessarily inflict a serious wound. The code permitted the seconds to suspend hostilities the moment a drop of blood had been shed. With the needle-pointed blade it was hardly possible for men to fight more than a few minutes without scratching one another, and that was sufficient to satisfy even the gravest affront. But such was not the case with the pistol.

Later on, also, when the men of the Northwest began to come to New Orleans, there were further modifications in the code, due to their habit of fighting out quarrels with the rifle. These men disdained the sword and the pistol. It was they who introduced the double-barrelled shotgun loaded with the ounce ball. In the hands of a good shot—and nearly everybody in those days was a hunter and, therefore, more or less of an expert—this weapon was extremely dangerous. Moreover, the very reluctance with which Americans consented to engage in a duel tended to make such encounters more serious; for a man who has to overcome a deeply-seated religious principle before committing himself to an enterprise of the sort is likely to end up with a cold, grim determination to have his adversary's life, if for no other reason than to punish him for dragging him into an affair so offensive to the higher instincts and to God.

It thus happens that when we come to relate some instances of duels among the Americans, we find them generally much more calmly ferocious than was ever the case among the Creoles.

One of the earliest and saddest of these affairs was the Lewis-Sperry duel, which took place in 1805, just two years after the transfer of Louisiana from France to the United States. The

participants were young men who had been drawn to New Orleans by the opportunties which the establishment of the new government there had created for all adventurous spirits. Micajah Lewis, the challenger, was a brother-in-law of the new American Governor, W. C. C. Claiborne. Sperry, however, was comparatively a stranger in the city. He was a lawyer by profession, and a violent political and personal enemy of Governor Claiborne. Just why he chose to identify himself with the Creole element in the population which opposed the new government, we cannot now say, but such was the case.

The "old inhabitants" vented their dislike of their new masters upon Claiborne. They said he was rude and uncouth. They said he was awkward in his demeanor on all social occasions. He was not, but that didn't matter. In these criticisms they were supported by some of the emigrants who, like Sperry, for personal or business reasons, or on account of partisan resentments imported from their old homes in the Western and Northern states, joined in the captious, petty, irritating chorus of unfriendly comment which, at this time, attended every movement of the new administration.

In the local newspapers many lampoons were printed. One day a particularly virulent article entitled "The Seasons" appeared. It purported to give an account of a dance at the residence of a distinguished French family by the name of Legendre. Governor Claiborne, said the anonymous writer, attracted much undesirable notice by attempting to dance the French country dances, which he found quite beyond his abilities to master. Giving up the attempt in despair, he sat down to a card game, and this he found so much to his taste and so well within his abilities and habit, that he remained there all the rest of the night, sneaking home in the grey dawn with his winnings. And yet, continued the writer venomously, later, in his court, he arrested people for gambling and fined them $50 for doing just what he had done. Had he not also been seen indulging in a game of chance in a public ballroom? The people—so ran the peroration—were being seduced by his example, though for the moment restrained by the fear that, if they imitated the governor's deplorable behavior, he would have them taken into custody and fined in large amounts. The writer concluded by expressing his confident expectation that, by the ensuing spring, hundreds of persons would be seen frequenting the gambling houses, although, at present, they might have no intention of doing so.

Another similar diatribe was based upon the allegation that Governor Claiborne was interfering with the diversions of the people, by attempting to introduce dances which they deemed objectionable. There had been "a battle" over the matter, and public amusements had been broken up for a whole season. The writer had hoped that "such improprieties" would cease with the previous winter, "but no; some new act of clownishness is daily recorded, and we behold him at the theater insulting the feelings of a whole audience," apparently by sitting with his hat on during the performance. For his behavior "no excuse was possible; he was not unacquainted with theaters, and knows that not even the President would insult an audience so. Does he think he is among Indians or Yahoos?"

Claiborne was not indifferent to the abuse and ridicule heaped upon him in the public prints and in private conversation. He referred to it frequently with deep regret in his correspondence, where the curious reader may learn all about it, if he so desires. The campaign against him seems to have culminated when in the *Gazette* for February 8, 1805, there appeared:

A DREAM

> Methought it was a night in the month of December A. D. 1804. All in the city was hushed and still. I was passing near the Government House. Suddenly the sound of music burst from the hall. I listened. The guests were dancing. Surprised, I advanced to the sentinel, who was pacing with slow and measured steps before the building. From him I also learned the facts. His arms glittered in the moonbeams. At this moment the convent bell sounded. A noise, like rustling silk was near. I turned my head. A female figure stood before me. She was tall and graceful, displaying a perfect symmetry of features. Her countenance was mild and beautiful, but shadowed with sorrow. I gazed upon her beautiful face. At that moment a new strain of music sounded; the shouts of the guests grew louder; they seemed to pierce her soul. She clasped her hands in agony and lifted her eyes to heaven. Then meek, resigned, sorrowful and lovely, she bent her willing steps towards the graces of Louisiana.
>
> Fidelis

Apparently, the incident, real or imaginary, was a good deal more serious than the reader who peruses it nowadays would imagine. Who was the lady to whom Fidelis referred? Was she, perchance, the first Mrs. Claiborne, then recently dead? Was it insinuated that this good lady, if alive and aware of her spouse's

social relaxations, would have been horribly scandalized? At any rate, the reference was to a person sufficiently near and dear to the Governor to make him resent the implications contained in Fidelis' cruel composition. Naturally, the publication caused a good deal of commotion in the city. Everybody read it. Claiborne's advisers—Trudeau, Destrehan, Poydras, and Jones—gravely discussed the article at a meeting of the Governor's council. Nothing resulted from their deliberations. But Lewis, who happened to be there, was not content to let the matter drop. The Governor felt that his official position prevented him from demanding satisfaction under the code. His chivalrous young brother-in-law undertook to relieve him.

The result was given in a paragraph in the *Gazette* for Friday, February 15, 1805:

> We mention with particular regret the unhappy fate of Mr. Micajah G. Lewis, brother of the late Mrs. Claiborne, who fell on Tuesday last in a duel with Mr. Robert Sperry. Mr. Lewis was a youth of amiable deportment and promising character. We have heard that the "Dream" of Fidelis in our paper of Friday last created the misunderstanding that has resulted so fatally. We have been at some pains to learn the circumstances of the duel, and believe ourselves correct in the following statement:
>
> Mr. Lewis, with his friends, called at our office for a knowledge of the author. We begged time to ask approbation. Before we could make Mr. Sperry's communication, it seems that his authorship became known through some other medium. A challenge then ensued from Mr. Lewis, which, we understand, left no room for concession. It required no explanation, but demanded immediate satisfaction for the outrage committed upon his feelings. It being accepted, the parties met, and were to wait the count of "One", "Two", "Three", and at the succeeding word "Fire", to fire. Mr. Lewis' pistol flashed in the pan before the time, at the word "Three", and he therefore lost his chance to fire. Mr. Sperry, seeing this, immediately turned and fired backward, in the air. No offer of accomodation was, we believe, made, and the parties fired again nearly at the same moment, when Mr. Lewis received a ball which passed through his heart and out at his left side. For a moment he continued in his attitude, when casting his eyes toward his friend as if then first conscious of his wound, he could only utter, "I believe", and fell a lifeless corpse.

Such was this melancholy affair. Lewis was buried on the following day in the Basin Street Cemetery—later known as St. Louis

Cemetery No. 1. Nothing seems to have been done so far as Sperry was concerned. His conduct in the matter was entirely in accord with the curious ethics of the time. He was not even blamed for the publication which led up to the duel.

The attacks on Claiborne continued, and in 1806 the Governor was obliged to meet one of his critics, a man by the name of Daniel Clark, on the field of honor. There were many and rather obscure reasons for this duel. Both were men of ability and ambition, and both held office under the American Government. The immediate pretext for the meeting developed in connection with the conspiracy of Aaron Burr. That wily schemer had many friends in Louisiana, among them Daniel Clark and, it is said, James Wilkinson, then the ranking general in the United States Army. Claiborne, however, was opposed to Burr and all his works, and probably lost no opportunity to say so.

At this juncture there arrived in New Orleans a certain General Adair. His mission was to collect information regarding Burr, with a view to frustrating his plans, whatever they were. By some means, the precise nature of which never transpired, Adair got possession of a private letter sent to Claiborne by Andrew Jackson under the date of November 12, 1806, warning him to have the Louisiana militia in readiness for action, and intimating that Wilkinson was not to be trusted. "I fear treachery has become the order of the day," wrote Old Hickory; "I fear you will meet with an attack from quarters which you do not expect at present. . . . Keep a watchful eye upon our general, and beware of an attack as well from our own country as from Spain."

It is not likely that the existence of this letter was entirely unknown to Wilkinson, who was a clever man, and had his own means of keeping informed concerning everything that affected his welfare. It may be that Claiborne showed it to him. At any rate, Jackson's warning does not seem to have had any effect upon the friendly relations which united the General and the Governor. But Adair's book called for a totally different situation, and he seems to have concluded that in the old-standing animosities between Claiborne and Daniel Clark he had a means to injure both Claiborne and Wilkinson. He showed the Jackson letter to Clark. They at once began a campaign of vilification, charging Claiborne with being associated with Burr's treasonable designs. The implication was that Claiborne was being made use of by Wilkinson. The accu-

sation was obviously absurd. Claiborne was, no doubt, not a strong man, but he was a patriot, and his conduct, through all the trying years of his first administration, showed that he was, above all things, sincere. Clark's charges were circulated anonymously in the press, but Claiborne managed to trace them to their source, and a challenge was sent and accepted. The meeting took place on June 8, 1807.

The newspapers of the city were very discreet in their handling of the story. The *Gazette* of June 12, contained only the following paragraph:

> A duel was fought on Monday last near Manchac fort, between His Excellency Governor Claiborne, and the Hon. Daniel Clark, our delegate to Congress. At the first fire the Governor received Mr. Clark's ball through his right thigh. His Excellency has reached town, and is out of danger.

The *Moniteur*, which was the French official organ of the state, also carried a notice of the event. In its issue for June 13, it said:

> Last Monday a duel took place between His Excellency Governor Claiborne and Hon. Daniel Clark, our delegate to Congress. They left the city last week, and repaired beyond Iberville on the title-disputed territory. They met last Monday and the Governor received at the first fire his adversary's ball in his right thigh. He returned to the city Tuesday night, and is as well as could be expected.

As a matter of fact, it was nearly a month before the Governor was well enough to walk out on the streets again.

THE "MISSION" TO ECUADOR OF JUDAH P. BENJAMIN

By LOUIS GRUSS

Within recent times the Galapagos Islands have oft flashed into public view either as the habitat of antediluvian fauna, as penal colonies to which political exiles are sometimes hustled off unceremoniously, or else as the site of some new Utopian experiment by persons disgusted with our contemporary civilization. A few months ago these strange islands which sprawl across the equator were even cited as possible air and naval bases against a threat to the security of the Western hemisphere, but this is not the first time that the Galapagos have claimed our particular notice. Nearly a hundred years ago they attracted the attention of the American public because of rumors of fabulous deposits of guano, with which it was thought the impoverished soil of New England might once more be made fertile. And although the islands have each time disappeared from public view with the startling suddenness which marks their periodic appearance, the guano incident is of more than passing interest because it relates to early American efforts at a commercial treaty with one of our Latin-American sister republics, an experiment noted more for its humor than for its tangible results.[1]

Our story begins in the year 1853 with the appointment of General José Villamil as Minister to Washington from Ecuador. This gentleman plays a prominent rôle in the sequel because he claimed the distinction of being the first discoverer of guano in the Galapagos. It seems that shortly after his arrival in Washington the government of the United States was induced to make an inquiry, through the usual official channels, into the existence of guano on the islands. Whether this inquiry was instigated by Villamil himself is hard to say, but a little later William L. Marcy, our then Secretary of State, received a communication from Court-

[1] Several years ago, while going through the volume of dispatches in the Latin-American archives of the State Department in Washington, the writer chanced upon some communications from the American legation at Quito. From these most of the facts and quotations for the present article have been drawn. Numerically and chronologically they are as follows: No. 30, February 18, 1853; No. 32, September 20, 1854; No. 27, October 18, 1854; No. 36, November 21, 1854; No. 44, February 14, 1855; No. 47, March 31, 1855; No. 49, March 30 [*sic*], 1855; No. 54, May 16, 1855.

land Cushing,[2] our Minister Resident at Quito, that a thorough exploration had failed to disclose any guano, a report which apparently failed to dampen the enthusiasm of those who believed that the fields and farms of New England would soon bloom again with guano from the Galapagos. The subject was discussed in the press, in the Senate, and it seems that President Franklin Pierce and the State Department were keenly interested in the matter. If we bear in mind that guano was already being imported from Peru, but at prices which made its use on a large scale prohibitive, the interest is understandable. Some even toyed with the idea that the precious fertilizer might check the westward movement for free soil and thus kill off the whole anti-slavery agitation.

For reasons unknown Cushing was replaced in 1853 by Chargé d'Affaires Philo White, a man of real pioneer stock.[3] That gentleman, upon his arrival in Quito, wrote a letter to Dr. Marcos Espinel, the Minister of Foreign Relations, informing him that he had been specially empowered by the United States to conclude a treaty on the guano question. It is quite clear from what followed that White did not first ascertain whether there was any guano on the islands. Like the worthy President of the Ecuador republic and his Cabinet, he took it for granted, but on October 9, 1854, he suddenly despatched another letter to the Minister in which he proposed quick negotiation of a treaty because he had received from "two distinguished citizens" of the United States "facts of so authentic a character as to warrant him" in proposing the immediate signing of a treaty. What the exact nature of the "facts" was is not disclosed, but the identity of the "two distinguished citizens" is known. One was the Hon. Judah P. Benjamin, United States Senator from Louisiana, the other Emile Prats, not so distinguished, but son of a Spanish family long resident in New Orleans.

That a man of Benjamin's prominence should make the long trip from New Orleans to the Pacific coast of the South American continent was in itself enough cause for excitement. A few years previously he had declined President Fillmore's offer of an appointment to the Supreme Court bench. Politically he had been a powerful figure in the Whig party, which went under in the elec-

[2] A lawyer and circuit judge from Indiana. He held the office from 1850 to 1853, then entered the employ of the Nicaragua Transit Company.

[3] Born in 1796 in Whitestone, New York. He was a printer and founded several Southern newspapers. Later he acted as a purser in the United States Navy, settled in Wisconsin and became one of the founders of Racine College. He served in Quito from 1853 to 1858, and passed away at Whitestone, his birthplace, in 1874.—See *National Cyclopedia of American Biography.*

tion of 1852 without any impairment of his personal prestige and position. One of the builders of the New Orleans and Jackson railroad, he was at this time the chief exponent of a railway across the Isthmus of Tehuantepec, and withal a man deeply interested in promoting the commercial, agricultural and industrial interests of the South and particularly New Orleans. A leading American lawyer, versed in the Civil as well as the Common law, he was also known as a protagonist of what today goes under the name of "buena vecindad," or the "good neighbor" policy. His prosecution of the Cuban filibusters, Quitman and Henderson, had won him good-will in the republics to the south of us.[4]

Benjamin's departure from New Orleans was, of course, noted by the newspapers, and soon rumors were afloat. Where was Mr. Benjamin going? What new venture was he engaged in? The answer was simple. He was going on private business, but as he was not in the habit of discussing his client's affairs in public, the newspapers were left guessing.

In New Orleans there resided at the time a certain Julius De Brissot who also claimed to be the first discoverer of the precious guano, and it was he who had retained Benjamin to repair to Quito to establish his claim. Afterwards there were rumors that Benjamin had been delegated by the government of the United States to negotiate a treaty, but there is conclusive evidence that he went in a purely private capacity, as lawyer representing a client. To be sure, whether or not there was any guano in the Galapagos, was a matter of no small interest to Benjamin, too. He was one of the leading sugar planters in Louisiana, had written articles for *DeBow's Review* on the care and cultivation of the sugar cane, and had even won the distinction of being the first person in the United States to produce chemically pure white sugar from cane juice. But that he had left New Orleans for the purpose of exploring wild, uninhabited islands five hundred miles off the coast of Ecuador to ascertain whether there was any guano, is, if not far-fetched at least paying little credit to his intelligence. Having more important business to attend to in and out of the United States Senate, he had taken Emile Prats along to make the necessary investigations.

From the moment Benjamin and Prats arrived in Quito (on the 6th of October) the stage seemed to be set for a battle between

[4] See "Judah Philip Benjamin" by the writer, in the October, 1936, issue of the *Louisiana Historical Quarterly*.

the rival claimants, for we learn from a despatch to Marcy, dated November 21, 1854, that a few days thereafter General José Villamil "arrived with a view to sustain *his* rights as discoverer, which had been preferred some time during the previous year." But White was more interested in a treaty than in the rival claims of Villamil and De Brissot. Alluding to a request by Espinel as to the real purpose of the United States in negotiating a treaty, White says: "I was enabled with the aid of Mr. Prats (both of whose parents are Spanish) and Mr. Benjamin, to furnish the Minister with a correct Spanish version of the papers which I had prepared in anticipation of this emergency." For White the arrival of Benjamin and Prats was therefore a godsend. He had good reason to be very much excited about the whole business, as the negotiation of a treaty would give him the longed-for opportunity to justify his appointment to a post which was regarded in certain quarters as utterly useless. And as for the high officials of the Ecuador government, they were agog over the arrival of Benjamin, because they saw in him a special emissary of the American government. It is even probable that Dr. Espinel inferred from Benjamin's participation in this preliminary conference that he was acting in an official capacity, but there was no ground for any such inference, as Benjamin was careful to make clear that he was acting only in a private capacity.

He remained in Quito nearly a whole month in order to iron out the difficulties between De Brissot and Villamil. There were, of course, several fancy dinners to give the parties an opportunity to become better acquainted and to create the proper atmosphere for negotiation,[5] but while these proceedings were taking place the agents of England, France, Spain, Chile and Peru were watching with suspicion. Although no one had yet established the existence of the guano which was to form the subject-matter of the treaty, these agents were working secretly to block the signing of any agreement. It was their job to prevent the United States from stealing a march on their respective governments. In one of his despatches to Marcy, White describes the "slanders published in the Chile papers", allegedly instigated by General Juan José Flores, "foe to all Democratic forms of government", and in a postscript to the same despatch he cites two editorials in Quito newspapers, the *El Seis de Marzo* and *La Democracia,* anent the "pro-

[5] In his despatch of October 18, 1854, White refers to a dinner given on the previous Sunday, "on which occasion the Hon. J. P. Benjamin accompanied me, the President, his Ministers, Senators, ec."

tests" by foreign representatives against the pending Huano treaty. In his eagerness to repel the misrepresentations of foreign agents and establish the friendly attitude of the American government, White issued a statement in which he said that the intelligent "parte" of the American people frowned upon filibustering expeditions. A copy of this statement was sent to the State Department where a clerk erroneously translated the word "parte" as "party", with the result that Marcy rebuked White for mixing in political affairs. Justly aggrieved the chargé d'affaires, now raised to the rank of Minister, wrote back: "Should there be none of the Employees of the State Department who are good Spanish linguists, I would beg to refer you to Hon. J. P. Benjamin, of the Senate, who is a Spanish scholar,—and I think, Mr. Mann, Assistant Secretary of State is sufficiently familiar with that idiom,—to bear me out in what I have said with regard to the gross perversion of the original translation made."

It has been said that Benjamin argued the claim of Villamil in the courts of Quito, but this is not correct.[6] Benjamin represented De Brissot, not Villamil, and there was no lawsuit. However, he conferred with the President and his advisers to such good effect that shortly afterwards White was able to write to Marcy: "I believe that Mr. Benjamin, as the Agent of Captain De Brissot, has accommodated the difficulty that at one time threatened to complicate the claims of General Villamil and that gentleman as the discoverers of the guano deposits on the Islands in question; and at this moment the Cabinet Council of this government is busied in determining the proportion of the 'treasure' to be allotted to the discoverers."

The "accommodation" which the Senator achieved took the form of a contract in which one-fifth of all the guano on the Galapagos Islands was assigned by the Ecuador government to the discoverers, two-thirds of the fifth to General Villamil and the remaining one-third to Benjamin as Agent of De Brissot. The negotiation of this contract marks the conclusion of Benjamin's labors on behalf of his client, although it was still necessary to establish the existence of guano and draft the terms of the treaty.[7] These things were for others to do. However, on the night of November 1st,

[6] Pierce Butler, *Judah P. Benjamin*, 142-144.

[7] "I find Mr. Benjamin to be a gentleman possessed of extraordinary tact and maturity of judgment, as well as of a very high order of talent. Although impelled by a personal interest in the enterprise to obtain the best terms for the discoverers, yet his patriotism and magnanimity prompt him to exert his influence in favor of the most liberal Treaty stipulations in securing supplies of guano to our countrymen at large on the best terms practicable .... I feel that I am fortunate in being able to avail myself of his valuable counsels and aid, in my present negotiation."—White to Marcy, in his despatch No. 27, October 18, 1854.

before leaving for Guayaquil, Benjamin stopped at White's house. Dr. Espinel, the Minister of Foreign Relations, dropped in, too, and "accidentally" met Benjamin there. Espinel informed both men that President Urvina wished them to call on him the next day, which they did at about 8:30 of the following evening. A long discussion ensued. At first Urvina told them that he wished to avoid any special treaty or the fixing of a price, a roundabout way of saying that he wished a loan for about $3,000,000. After much talk he gave in and modified his objections. Wrote Minister White: "And he said many other things, and expressed various opinions, that were in conflict with the views of Mr. Benjamin and myself, and which we combatted in the best terms we could, laboring as we did under the disadvantage of a want of fluency in the colloquial language of the country."

Suspecting that an agreement was in process of being drawn up, the governments of Peru, Spain, France and England filed a formal protest with the Ecuador government on the 24th of November, 1854, three weeks after Benjamin had left Ecuador. The big question in all these negotiations still remained unanswered, however: Was there any guano? In early November White had hired Prats to go on a tour of investigation and had given him a draft for $900 to be cashed upon presentation to the State Department of a report of his trip. At about the same time General Villamil had left Quito, presumably for the Galapagos. On the 3rd of November Senator Benjamin also left for Guayaquil, some thought on his way to the islands, but neither White nor President Urvina ever heard from him again. Their keen disappointment is reflected in the despatches which White sent to Marcy during the next few months.

In the meantime, while awaiting word from Benjamin, President Urvina and his Minister of Foreign Relations, in the company of Matthew M. Game, the American consul at Guayaquil, went on a hurried trip to the La Plata and other islands to see if there was any guano to be found there. Upon his return Urvina reported that he had found a "goodly quantity of huano", but the "larger portion of it is of an inferior quality delicted by rain, mixed with volcanic debris and 'silicious' soils." It was obvious that the President was depressed, as was White, because of their failure to hear from Benjamin. "The Executive Government here are exceedingly anxious", wrote White, "to hear from Mr. Benjamin in regard to the Galapagos huano. The New York steamers failed to connect

with the Southern Pacific line at Panama,—otherwise I should doubtless have received a communication to [*sic*]—from Mr. Benjamin on the subject." This was written on the 14th of February, 1855, three months after Benjamin's departure.

Another month passed and still no word from Benjamin, Prats, Villamil or De Brissot, who was supposed to have gone to the Galapagos himself. On the 31st of March White wrote again to Marcy that the Ecuador authorities were still deeply interested in the huano question, in fact, "it has proved a bootless task to endeavor to press any other question than that relating to the Huano on their serious consideration. That seems to be the all-absorbing subject with them, and they are really oppressed with disappointment, that I should not to this day have received anything authentic, either from Mr. Benjamin or Mr. De Brissot, as to the verity of the alleged discoveries of Huano on the Galapagos Islands by the latter. It is rumored, however, that De Brissot is now at the islands, whither General Villamil repaired over a month since; and a hope animates these people, that the existence of large huano there will soon be demonstrated beyond all cavil." Why President Urvina did not send an expedition or go there himself is as great a mystery as his failure to hear from Benjamin. It was only five hundred miles to the Galapagos Islands, but perhaps he was afraid that his departure might be the signal for a coup d'etat.

The last despatch from White to Marcy on the subject appears to be one written on the 16th of May, 1855. In this he refers to another interview with President Urvina in which the latter complained that "he had cheerfully embraced the opportunity of conceding advantageous terms to our citizens, through Messrs. Benjamin and Villamil as the reputed discoverers of huano on the Galapagos Islands; and that he had promptly and cordially acceded to the proffer of the Government of the United States to enter into the negotiations of a convention for regulating the convenience of its citizens in that article, and making concessions highly favorable to our country and its interests." Disappointed over the delay in ratifying the treaty and his failure to hear from Benjamin and Villamil with whom the Ecuador government had entered into a contract and who "had obligated themselves to point out to the Officers of Ecuador the deposits of Guano on the Galapagos, the supposed existence of which constituted the groundwork of their compact with the government," President Urvina was in a continuous state of childish amazement. He thought it most "extraordi-

nary that Mr. Benjamin should so long have neglected to write either to them or myself explaining the circumstances which have thrown so much doubt and suspicion upon the whole transaction, and afforded food for scandal among enemies of both governments." White then assured Urvina, telling him that he was "equally surprised and mortified that Mr. Benjamin had so long failed to write either to myself or to this government, advising of the progress made, by himself and associates, in settling the question in regard to the huano deposits on the Galapagos, in fulfillment of their obligations under their contract with the government, and that the silence of Mr. Benjamin, and the erratic movements of Mr. De Brissot, were wholly inexplicable to me." White told Urvina that he would write to Washington to ascertain whether Messrs. Benjamin, Prats and De Brissot had communicated with the State Department with respect to their "discoveries" and whether the pending treaty was to be regarded as a "dead letter."

What had happened to Benjamin? Having obtained a contract for his client, he returned to New Orleans, leaving to De Brissot any further negotiations on the subject. It is possible that in crossing the Isthmus of Panama he met the former American minister, Courtland Cushing, who was now employed by the Nicaragua Transit Company, and that Cushing told him that there was nothing to be found in the Galapagos. As for Prats, he probably went to the Galapagos and then reported to De Brissot, who left for the islands to find out what he might have or should have known in the first place: that there were dense mangroves, beaches of white sand, rugged cliffs of grey lava and many thorn-trees—but no guano. Also, that while there were cormorants and flamingoes, the chief denizens were giant tortoises, three or four hundred years old, a heterogeneous assortment of dogs, cats, pigs, goats, donkeys, sea-lions, lizards and what-nots. And as for guano, well—Villamil, said a writer on the *New York Daily Times*, had told of the fertility of the islands and of immense herds of cattle, but he had said not a word of the volcanoes; "he told a lot about the 'critturs', but never a word of the craters."[8]

As for Secretary Marcy, if he did not sign a guano treaty with Ecuador, he had no reason to be disappointed. During his term in office he negotiated no less than twenty-four other treaties, the largest number said to have been ratified under one Secretary of State up to that time.[9]

[8] Butler, *op. cit.*, 144.
[9] See article on Marcy, in *Dictionary of American Biography*.

JAMES ROBB, BANKER AND PIONEER RAILROAD BUILDER OF ANTE-BELLUM LOUISIANA *

By HARRY HOWARD EVANS

CHAPTER I

INTRODUCTION

James Robb was born in Brownsville, Fayette County, Pennsylvania, on April 2, 1814.[1] His mother bore a name famous in Dutch history. She was before her marriage a Meetkerk. Her father held a position under Washington and it is said bore it with unblemished honor. Her more remote ancestor, Count Meetkerk, was President of the Council of the Dutch Republic and was sent by his country as a representative to the English Court to consummate a treaty between the Netherlands and England during the reign of Queen Elizabeth.[2] Of Robb's father little is known. The name, however, we may easily surmise came from the name Robbie, which has long been famous in English religious and political life. But just who the father of James Robb was or what was his ancestry is not definitely known.

When James was only five years old, his father was drowned in the Monongahela River in western Pennsylvania. This unfortunate bereavement left James, the elder son, his brother William, and their mother in dire circumstances. Little is known of the actual status of the family during the years immediately following his father's death, but undoubtedly they were hard years for as soon as possible James left home to make his own way in the world. In his later life he spoke of having pushed himself to fortune unaided by any person living or dead and without the aid of a penny from outside sources.[3]

At the age of thirteen we get our first glimpse of the man James Robb. Though only a boy in years and almost completely lacking in formal education, he undoubtedly had acquired a practical education because of the privations and hardships of his early

* Master's thesis in History, Louisiana State University, 1935.

[1] *Appleton's Cyclopedia of American Biography*, V, 269; *Dictionary of American Biography*, XV, 644.

[2] *New Orleans Daily Democrat*, August 3, 1881, quoting *Cincinnati Commercial*.

[3] *Ibid.*

life far beyond that of most boys of his age. He startled his mother by announcing his intention to start out to make his fortune in the world.[4] This early determination to be up and doing, not to sit back and wait for opportunity but to go forth and press the issue at hand, was ever characteristic of him. Never was he one to await developments, but rather he forced the developments himself. In this as in his later life he was thoughtful, seeking only his own counsel and determined once his decision was made.

His mother, undoubtedly recognizing the force behind this determination, gave way to her son and assented to his wish to leave home. At the time of his departure he is said to have resembled the traditional stage Irishman. All he took with him were a few personal belongings, which he tied in a bundle on the end of a stick that he carried over his shoulder. Nothing better illustrates this scene in his life than the following description of his departure: "When almost out of sight of the parental home, he looked back to wave his hand to his mother, who stood watching his retreating form until it was lost to view." Later, after achieving success, he said:

> This day fifty years ago, in my thirteenth year I left the home of a noble mother (my father died in 1819) to perform a journey of twenty-two miles on foot through deep and drifting snows to begin my career of life and from that day to this my fortune has been pursued singly and alone, without the aid of a penny from anyone living or dead.[5]

Thus at this early age we find James Robb self-launched in the world to seek his fortune. Of the brilliant future which awaited him, it is doubtful if even he would have believed if he had been told. His was a success from a penniless, friendless boy to a man of wealth, position, esteem, and accomplishments rarely paralleled in American business circles.[6]

His first position was in Morgantown, Virginia, where he obtained a place as office boy in a bank. In connection with this period of his life it is said:

> He was of humble origin and enjoyed few advantages of early education. But his intellect was vigorous and sagacious, his will strong and his perseverance and pluck indomitable.

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[4] *Appleton's Cyclopedia of American Biography*, V, 269; *Dictionary of American Biography*, XV, 644; *New Orleans Price Current*, August 6, 1881; *New Orleans Daily Democrat*, August 3, 1881.

[5] *New Orleans Daily Democrat*, August 3, 1881; *New Orleans Price Current*, August 6, 1881.

[6] *New Orleans Daily Democrat*, August 3, 1881.

> Entering a bank as a messenger boy, he rapidly fought his way to higher and higher positions until at last, as an accountant, he was introduced into the very penetralia of bank and financial management, and acquired a thorough knowledge of that science and of the habits, adapted to a proper and successful application thereof.[7]

During the years from thirteen to twenty-one he worked industriously, studied diligently, and in every way aimed at a higher objective as his goal in life. On reaching the age of twenty-one, he was made cashier of the Branch Bank of Morgantown, Virginia. His salary in this position was $800 per year.[8]

At about this same time, shortly after being elevated to the position of cashier, he was married to a young lady in western Virginia. Of his wife little is known,[9] but the following tends to shed light on her character: " . . . he married a lady who entered with thorough sympathy and cooperation of excellent sense, judgment, and thrift into all his views and aspirations."[10]

After three years as cashier in the Morgantown Bank, he became dissatisfied with his lot in life and again resolved, as he had when but thirteen, to venture forth again in an effort to better his position in life. He was twenty-four years of age at the time and had had over ten years of banking experience. He withdrew his life savings of $400, resigned his position, and after making due preparation for his wife's well-being he departed in search of greener and more fertile fields in which to cultivate his talents. He journeyed down the Ohio and Mississippi rivers until at length he reached New Orleans in 1837, without having found that for which he searched. With the remainder of his small capital, he joined an associate whose name has been lost in opening a broker's shop on Camp Street in New Orleans.[11]

As to the nature and success of this first enterprise of James Robb in New Orleans, we have the following account:

> His chief business was in buying and exchanging uncurrent money. Always a student, thoughtful and observing, he quickly mastered all the requisite knowledge, principles, and details of his business and familiarized himself with the con-

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[7] *Ibid.*, August 3, 7, 1881; *Appleton's Cyclopedia of American Biography*, V, 269.

[8] *Dictionary of American Biography*, XV, 644; *Appleton's Cyclopedia of American Biography*, V, 269; *New Orleans Price Current*, August 6, 1881.

[9] The first Mrs. Robb died in 1858 but her family name prior to her marriage is not given in any of the records at that time, nor has it been possible to establish any facts as to her antecedents or early life.

[10] *New Orleans Daily Democrat*, August 7, 1881.

[11] *Ibid.*, August 3, 7, 1881; *New Orleans Price Current*, August 6, 1881; *Dictionary of American Biography*, XV, 644.

ditions, resources and legal liabilities of the states and corporations in the securities and obligations of which he dealt.[12]

It was during this period, from 1837 to 1842, that he laid the foundation of his future success and fortune. During this period, which followed the Panic of 1837, internal improvements and improvement companies of every kind were hit hard because of overspeculation and over-estimation of the profits of such enterprises, and their securities and stocks slumped to a mere fraction of their former valuation, because of the withdrawal of public support and their loss of favor in the investment world. It was at this time that James Robb began to buy stock in the New Orleans Gas Light and Banking Company, which had depreciated to a mere fraction of its par value. He continued for several years to purchase this stock, and by 1842 he had secured the controlling interest in the company, which at this time had a paid-up capital of $1,800,000.[13]

The company had first been founded in 1833 by James H. Caldwell, who also owned a theater in New Orleans and who became famous as a promoter of theatrical enterprises in that city and elsewhere. On March 1, 1833, the act chartering the company and authorizing the construction of the public works for which it was organized was passed by the Legislature of Louisiana. In accordance with the provisions of this act the plant was built and began operations in 1834, with a thirty-year contract to light the city of New Orleans. In 1835 Caldwell sold his interest in the company to the New Orleans Gas Light and Banking Company, which was incorporated by a legislative act of that year.[14]

During the Panic of 1837 the price of the company's stock had slumped, and it was in the period immediately following this that James Robb secured control of the company. This corporation is especially interesting in that it was the fourth gas company to operate in the United States and the first one to be located as far west as the Mississippi River.[15] In 1842 Mr. Robb was elected to the presidency of the New Orleans Gas Light and Banking Company, which position he held until 1856.[16]

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[12] *New Orleans Daily Democrat*, August 7, 1881.
[13] *Ibid.*; *New Orleans Price Current*, August 6, 1881.
[14] *Laws of Louisiana*, 1835, pp. 92-112.
[15] B. M. Norman, *New Orleans and Environs* (New Orleans, 1845), 144-146; New Orleans *Weekly Delta*, April 22, 1850; Edwin L. Jewel (ed.), *Crescent City, Illustrated* (New Orleans, 1873).
[16] Some doubt remains as to the exact date at which Mr. Robb was elected president of the company. The date is given as 1842 in the *New Orleans Daily Democrat*, August 3, 1881, and the *New Orleans Price Current*, August 6, 1881. Further, in a pamphlet entitled *Financial Statement of the New Orleans Gas Light and Banking Company for 1847*, Mr. Robb compares the conditions of the company in 1847 with those of 1842. However, the *Crescent City, Illustrated* gives 1840 as the date. This last is undoubtedly incorrect, and because of the predominance of evidence the author is inclined to accept 1842 as being the correct date.

By 1842 the people were again beginning to reinvest their funds, and improvement companies seemed to offer the greatest possibilities of quick and handsome profits. Coupled with this new turn of affairs and the able business management of Mr. Robb, the Gas Company resumed the payment of dividends in 1843, and its stock, which in 1842 was worth only $4 on a paid up par valuation, began to rise until in a few years the stock had advanced to where the shares commanded over 80% premium.[17] When we consider the price at which Mr. Robb purchased his stock in the company and its subsequent rapid rise under his able management, we can readily see how the groundwork for a substantial fortune was laid.

During this time Mr. Robb had not been inactive in his personal banking business, for in 1840 he became associated with a Mr. Hoge and in that year they organized and established a bank known as "Robb and Hoge, Private Bankers." This bank was organized under the free banking laws prevailing in Louisiana at that time.[18] This bank enjoyed immediate and continued success and prosperity for several years. Undoubtedly Mr. Robb's successful management of the Gas Company and his private financial success and prosperity were no little inducement for investors to entrust their funds to this firm. "Within a few years of its founding it enjoyed a position in extent and in solidity of credit equaling those of the largest chartered banks in Louisiana at the time."[19] Thus, within a few years after his arrival in New Orleans we find James Robb successful in his first private business venture and even more successful in the expansion of his banking interests. His success in business, both public and private, was so outstanding as to result in his becoming one of the wealthiest capitalists in New Orleans in less than ten years after his arrival in the city.[20]

Before leaving this phase of Mr. Robb's career, it is interesting to note that the New Orleans Gas Light and Banking Company has survived and is today known as the New Orleans Public Service Company.[21]

In 1845 Mr. Robb secured permission from the Spanish government to organize a company for the purpose of lighting the city

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[17] *New Orleans Daily Democrat*, August 3, 1881; *New Orleans Price Current*, August 6, 1881; *Laws of Louisiana*, 1835, pp. 92-112. The newspapers here cited give the par value of the stock as $80 per share, but this is undoubtedly incorrect, since the Act of Incorporation of 1835 provides for shares with a par value of $100.

[18] *New Orleans Daily Democrat*, August 3, 7, 1881; *New Orleans Price Current*, August 6, 1881.

[19] *New Orleans Daily Democrat*, August 7, 1881.

[20] *Ibid.*

[21] Hugh Mercer Blain, *A Near Century of Public Service in New Orleans* (New Orleans, 1927. Pamphlet issued by the New Orleans Public Service Company).

of Havana, Cuba, with gas. The company was known as the Spanish Gas Light Company, and James Robb personally subscribed all of the capital stock of $300,000 and was made perpetual president of the organization. Later its capital was increased to $1,000,000, which was divided equally between him and Maria Christina, the Queen Mother of Spain. Mr. Robb personally supervised the construction of the plant and in the early 'fifties the company began to yield dividends; but because of obligations in the matter of Southern railways which he was financing at the time, he was forced in 1854 to sell his interest in the Havana enterprise at a self-estimated loss of $300,000.[22]

Nothing serves to give us a clearer picture of the man himself than this restlessness, the refusal to be satisfied with present prosperity, the desire to be ever creating and building. This shows us a man with courage and the willingness to risk all so long as he was working for betterment not only for himself, but of others as well, so long as his work was primarily creative.

Thus, for the time being we leave his business career in the late 1840's with him now a wealthy man, with varied interests and respected by all who knew him.

Chapter II

Political Career, 1845-1853

Few, indeed, are the successful business men who do not have some pet issue or issues, politically speaking, of which they are strong advocates. This was especially true in the earlier periods of American history. For then politics as nothing else bestowed glory and prestige upon its chosen few. Politics was the arena in which gentlemen fought. Theirs was not a fight for fortune but rather a desire for service. Few are the great men in early American history who entered the political world as a means of livelihood. As always there was a mob of political hangers-on who clamored for patronage in the government service, but the really important positions were reserved almost as if by common consent for those men who were already proven successful in the business world. For this reason alone we can readily see why in the antebellum South the history of the states is so completely entwined with the lives of its famous sons.

[22] *New Orleans Daily Democrat*, August 3, 1881; *New Orleans Price Current*, August 6, 1881; *Appleton's Cyclopedia of American Biography*, V, 269; *Dictionary of American Biography*, XV, 644.

Louisiana was no exception to this general rule, and where today we find professional politicians controlling the entire governmental machinery, in the Louisiana of seventy to one hundred years ago we find the state's most successful and prominent sons glad, even anxious, to have a hand in directing the destinies of its leading city and of the state as a whole. A brief survey of the list of public office-holders in Louisiana in the period from 1830 to 1860 is all that is needed to sustain this statement. Such a list contains the names of John Slidell, Duncan F. Kenner, Pierre Soulé, Robert C. Wickliffe, A. B. Roman, Edward Douglas White, Solomon W. Downs, Judah P. Benjamin, and a host of others too numerous to mention.[1]

The ideal of the time was that government, whether it be national, state, or local, was a civic responsibility and a duty which no true citizen should shirk, even though active participation in public affairs might be often a burden and a care. James Robb appears to have held to this idea of public service in all of his political activities. At the time of his first entrance into politics he did so modestly and without a single speech or effort on his part to secure either nomination or election. Rather, it was his friends who pushed his candidacy for what they considered to be the best means of serving the city of New Orleans.

James Robb was at the time riding the crest of a wave of prosperity and popularity. His banking enterprises were highly successful, and this fact coupled with his phenomenal success as president of the New Orleans Gas Light and Banking Company, in reviving its securities and stock, had made him a figure of no little importance in New Orleans business circles.[2]

In the spring of 1845 Mr. Robb was nominated by the People's Party for the position of alderman from the First Ward of the Second Municipality.[3] In the city election held on April 7, 1845, he was elected to this office along with J. P. Freret and William Flower.[4] On April 14 the newly elected Council met for the first time, and Robb was selected to serve on the committees on Streets and Landings and on Fire.[5]

His duties were not unlike those of every alderman and while important at the time they produced no lasting influence, and we

[1] A. W. Bell, *The State Register: Comprising an Historical and Statistical Account of Louisiana, From Its Earliest Settlement as a Territory* .... (Baton Rouge, 1855), 87.
[2] See Chapter I, above.
[3] New Orleans *Daily Picayune*, April 5, 1845.
[4] *Ibid.*, April 8, 1845.
[5] *Ibid.*, April 15, 1845.

pass rapidly over this year. Suffice it to say that he performed his duties conscientiously and well.[6] After serving for one term Mr. Robb declined to run for re-election, pleading pressing business of a private nature which would make it impossible for him to devote to the office the time which he felt should be devoted to it.[7]

Before leaving the municipal government of New Orleans it is well to explain briefly the type of organization then in use. New Orleans had previously been consolidated, but in 1836 the State Legislature had changed the city charter so as to divide New Orleans into three municipalities, each separate and independent of the others.[8] In addition there was the independent town of Lafayette, which was separated from the Third Municipality of New Orleans only by a street.[9] Each of the three municipalities had its own system of government and was completely autonomous in local affairs. Early in the 1840's the credit of the municipalities, especially that of the Third, began to decline. Pleas for consolidation were frequently made by interested persons and by the press, but nothing was done.[10]

James Robb was, as was every prominent business man in New Orleans, strongly in favor of consolidation.[11] It would mean a revival of the credit of the city and also better government because of the unification of governmental departments which it would make possible. It was remarked that the French people had succeeded in blending their three estates into one while the people of New Orleans in a more enlightened age could not unite their four estates.[12]

In 1850 the Legislature of Louisiana passed an act calling for an election to be held in the three municipalities of New Orleans for the purpose of ascertaining the people's consent to consolidation. The same act also included a charter which was to go into effect if the people favored consolidation. Previously most of the newspapers had at one time or another come out in favor of consolidation, but when the actual proposal was submitted only the *Delta* strongly supported the movement. However, this attitude may be attributed primarily to their opposition to the proposed new charter rather than to the consolidation plan.[13]

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[6] New Orleans *Daily Delta*, October 29, November 12, 19, 1845.
[7] *Ibid.*, April 8, 1846.
[8] *Weekly Delta*, January 28, 1850.
[9] *Daily Delta*, March 9, 1846, February 6, 1852.
[10] *Ibid.*, March 9, 1840, October 7, 29, 1851; *Weekly Delta*, January 28, March 25, April 1, 15, 1850.
[11] *Daily Delta*, October 7, November 5, 1851.
[12] *New Orleans Daily Democrat*, August 7, 1881.
[13] *Weekly Delta*, April 1, 1850.

The election was held on April 14, 1850, and resulted in the rejection of the proposed plan of consolidation. It is interesting to note that at that time, prior to the introduction of the Australian ballot, each side printed its own ballots and on such civic matters the local government had separate ballots printed. In this election the First Municipality had 10,000 *yes* and 10,000 *no* ballots printed, but the Second Municipality under the control of a set who opposed consolidation had only *no* ballots printed, thus making it impossible for residents of that municipality to vote in favor of consolidation. To offset this action, the *Delta* had *yes* ballots printed and distributed free in that municipality.[14] Such actions, however, coupled with the ever-declining credit of the municipalities now forced the people to see as never before the need for consolidation and united action.

Perhaps it would be well to review in this connection an occurrence of 1845-1846 in the Second Municipality. On March 4, 1845, the Council of that municipality borrowed $150,000 at 7% interest for one year from the Bank of Robb and Hoge.[15] Later, when the sum became due, the municipality was forced to default.[16] After trying in vain to secure a settlement the Bank of Robb and Hoge was forced to sue jointly with the Bank of Louisiana, and received judgment against the Second Municipality. And on December 15, 1846, the assets of the Second Municipality were ordered sold at auction by the sheriff. This action resulted in an immediate filing of numerous other suits in an effort of creditors to protect their interests.[17] However, the sale of its assets did not end the matter, for the municipality still owed money to Robb and Hoge.[18]

On January 5, 1847, Samuel J. Peters, at that time a member of the Council of the Second Municipality and president of the City Bank of New Orleans, stepped in and agreed to lend money to the municipality with which to make an advance to Robb and Hoge and also to the Bank of Louisiana. In return these banks agreed to stop the sale of the municipality's assets until February 15, 1847, at least. This compromise saved the Second Municipality from the embarrassment of seeing its new Municipal Hall which had been recently completed being sold by the sheriff at auction.[19]

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[14] *Ibid.*, April 15, 1850.
[15] *Daily Picayune*, March 5, 1845.
[16] *Daily Delta*, December 15, 1846.
[17] *Ibid.*, December 15, 16, 1846.
[18] *Ibid.*, December 23, 1846.
[19] *Ibid.*, January 6, 1847.

Such entanglements were by no means uncommon and only served to awaken the people to the need of action.

Coincident with this financial embarrassment of the New Orleans municipalities there was also born a new railroad fever which attacked that city in the early 'fifties.[20] Railroads and other internal improvements were quite the subject of conversation of the day. Commercial and railroad conventions were held in nearly every city of any size in the South during this period.[21] In 1851 the Southwest Railroad Convention was held, out of which was born the New Orleans, Jackson and Great Northern Railroad project. Upon the organization of this company, James Robb was elected its first president. This, coupled with his liberal subscription to stock in the company and his known attitude in favor of consolidation of the three municipalities, placed him before the people of New Orleans and the entire South as a progressive, forward-looking business man.

Since his term as alderman Mr. Robb had remained free of politics, but under the impetus of these great movements which he was now so openly fostering he was quite naturally forced into the public eye. Of his political affiliations prior to this time we cannot be certain, but if he leaned at all it was toward the Whigs; for it was with them rather than with the Democrats that he sided on future issues.[22]

As early as the spring of 1851 James Robb's name began to be mentioned for the State Senatorship from New Orleans.[23] However, the matter lagged during the summer months and with the exodus of city residents to northern summer resorts politics seemingly were forgotten for the time being in New Orleans. But with the return of the migrants in the fall the issues which they had been content to let lie dormant all summer were revived and brought forth for public discussion. Early in the autumn of 1851 both Whigs and Democrats began to gird their loins for what promised to be as heated a campaign as Louisiana had ever known. Early in October we find rallies and plans for organization for the impending election going forward at fever heat. On the surface the parties were seemingly more active and were pressing the issue

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[20] *Ibid.*, May 8, December 17, 1851; *Weekly Delta*, April 21, 1851; *Daily Picayune*, April 16, 1851.

[21] Herbert Wender, "Southern Commercial Conventions, 1837-1859" in *Johns Hopkins University Studies in Historical and Political Science*, XLVIII (1930), 10 *ff.*

[22] *Daily Delta*, November 2, 1851, March 10, 1852.

[23] *Ibid.*, May 28, 1851.

of Internal Improvements as never before in the history of the state.[24]

One such meeting held by the Whigs on October 2, 1851, was addressed by Major Ranney, who on this occasion spoke on the subject of internal improvements and the necessity of sending men to the legislative halls who would attend to the interests of their constituents and would promote the general welfare of the city and state.[25]

The Whig Parochial Convention was held on October 4, 1851, in Duncan's Building in New Orleans. Judge T. W. Wharton was elected president and James Hall secretary of this convention. Major James A. Beard proceeded to nominate James Robb for state senator, but Major H. L. Ranney moved the substitution of Samuel J. Peters, as he said he was authorized to state that Mr. Robb would not accept the nomination. Jules Toledano, another delegate, nominated Judah P. Benjamin; and though several others were nominated, among them Colonel T. G. Hunt, when the votes were counted Robb and Benjamin had been nominated unanimously.[26]

Robb and Benjamin were both out of the city at this time, so a committee consisting of J. A. Beard, G. B. Duncan, Jules Toledano, and Judge Wharton was appointed to correspond with the absent nominees in regard to their nominations. It was further arranged that G. B. Duncan and Cyprien Dufour should canvass the city in behalf of the candidacies of Robb and Benjamin during their temporary absence.[27]

The convention while assembled drew up the Whig platform in order to place their views before the electorate. This platform, while not lengthy, was complete and all-inclusive of the issues at stake.

The Whig Platform of 1851

1. *Resolved*, That we look upon the Whig Party as the great conservative party of the country—whose principles are best adapted to foster domestic industry—to develop the improvements, and by a wise, just, and energetic administration of the affairs of the nation to advance its interests abroad.

2. *Resolved*, That we regard the Compromise as constitutional, honorable, and expedient—to be founded in an

[24] *Ibid.*, October 3, 1851.
[25] *Ibid.*
[26] *Ibid.*, October 8, 1851.
[27] *Ibid.*

enlarged and enlightened patriotism, and that all efforts to impair its obligations or destroy its salutary influence, whether they spring from the abolitionists or secessionists, are all alike unconstitutional and at war with the best interests of the country.

3. *Resolved*, That the Constitution of the State has failed in its great objects for which it was created, that it has prevented the development of the resources of the State—checked its agricultural and commercial advancement, and hung as an incubus around the energies of the people; and that the Whig Party owes it to themselves and the country to support no one for the next Legislature who is not in favor of the passage of a bill for the immediate calling of a convention to so change and remodel the organic law as will unfetter the energies of the people, and enable the state to take her station among her sister states in social and physical improvements.

4. *Resolved*, That among these constitutional and statutory changes, we recognize

An elective judiciary;

An important reduction of the fees of office, particularly in the Parish of Orleans, in order that the people be relieved of a system of taxation, the most oppressive and unjust of any that exists in this country;

A "Homestead Exemption Clause" and legal provisions by which a moderate amount of the absolute necessities of life and wages of labor shall be exempt from execution;

A well regulated system of free banks so guarded and protected, that while in its operation it shall diffuse the benefits of accumulated capital, it shall, at the same time afford a safe circulation, that shall be convertible into specie at all times and under all circumstances;

The delegation of necessary power to create and foster a wise and liberal system of railroads, manufactures, and such other improvements as will tend to encourage the labor and develop the resources of the state;

The adoption of a more perfect system of public education, by which the acquisition of knowledge shall be placed in the reach of all classes of society.[28]

Of this platform we may well quote the words of Pierce Butler in his work on Judah P. Benjamin: "The issues in the state were so well defined that the local party platforms are understandable even now."[29]

The announcement of the nomination of Robb and Benjamin was the occasion for a great deal of editorial repartee between the

[28] *Ibid.*
[29] Pierce Butler, *Judah P. Benjamin*, 97.

Delta and the *Bee*. The *Delta* was the first New Orleans paper openly to recommend the nomination of Robb and Benjamin and as was to be expected desired credit for the same.[30] The *Bee*, however, resented this fostering of candidates and in no way minced terms in saying so. The subsequent nomination of Robb and Benjamin rankled the *Bee* and was the occasion for much praising by the *Delta* of the wisdom shown by the New Orleans Whig Convention in selecting the two best men in their party for membership in the State Senate.[31]

There was also much newspaper discussion of the Whig platform. Of the Free Banking issue the *Delta* has the following to say editorially:

> . . . does not look upon it as a panacea for all ills. But as a part of a general system of reform and progress in this state we believe that some judiciously organized system of combining capital in the banking business under safe guarantees would be a desirable measure.[32]

On October 15, Mr. Miles Taylor, a Democrat, while speaking on the subject of the Whig favoritism of free banking and of corporations, which he as a Democrat opposed, had the following to say: "They have neither souls to be saved, nor posteriors to be kicked."[33] This statement ably illustrates the popular conception at that period and one which is still held today in some circles as to the remoteness and frigidity of large corporations.

Another feature of the Whig platform which came in for criticism was the favoring of an elective judiciary. Robb's position on this matter was unknown at this time, but Benjamin as a member of the Constitutional Convention of 1844-1845 had already gone on record as being opposed to an elective judiciary.[34]

In pursuance of their duty, the committee appointed by the Whig Convention of October 4, 1851, did on October 10 following address a letter of notification to James Robb informing him of his nomination by the Whig Parochial Convention as the party's candidate, along with Judah P. Benjamin, for the State Senatorship.[35] And on October 13 Mr. Robb replied with an acceptance of the nomination, and with the following statement as to his position on the question of the necessity for reform:

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[30] *Daily Delta*, October 7, 16, 1851.
[31] *Ibid.*, October 7, 1851, quoting *New Orleans Bee*.
[32] *Ibid.*, October 18, 1851.
[33] *Ibid.*, October 16, 1851.
[34] *Ibid.*, October 15, 1851.
[35] *Ibid.*, October 14, 1851.

> . . . impressed with a sincere conviction that reform, instant and prompt, in our state and municipal administration can alone arrest the mischievous tendencies of glaring and growing abuses, alike paralyzing private enterprise and considerations—believing and feeling that—the first and highest obligation of the citizen is allegiance to the good of the state, and cooperation with those who seek to promote its welfare.[36]

During the month of October, 1851, New Orleans was the scene of a heated political battle. Rallies were held and addresses delivered on every side by both parties.[37] Benjamin was in Europe at this time, and Robb returned to the city only on October 13.[38] Thus, Robb alone was on the ground to speak in behalf of the candidacies of himself and Benjamin, who was one of his warm personal and business associates.[39] On the whole James Robb was content to let his friends wage his campaign, but on October 31, 1851, he delivered the one and only speech indulged in by him during the entire campaign.[40]

On Friday evening, October 31, 1851, the Whigs of New Orleans held a mass meeting at the Pontchartrain Railroad Depot. This was by far the largest meeting of its kind held in the city during the campaign. The principal speaker for the evening was announced to be James Robb, who had remained silent until this moment.[41] The meeting was opened by Christian Roselius, who presided, aided by a number of prominent citizens who acted as vice-presidents. Mr. Roselius made a strong rallying speech, after which the crowd set up a general cry for "Robb".[42] Mr. Robb responded and arose to address the assembly for more than an hour, in what the *Delta* termed:

> . . . one of the ablest and most lucid and manly speeches we ever heard from the hustings. He carefully eschewed politics, never mentioning the word Whig or Democrat during his whole address, but confining his attention entirely to those great local questions which concerned the dearest interests of our state and city, to the necessity of enterprise in railroad improvements—of relieving the credit and reputation of the city abroad, by the abolition of bad and restrictive laws—by the development of our national resources, and many interesting points which he handled with masterly power, vigor, and eloquence. . . .[43]

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[36] *Ibid.*
[37] *Daily Picayune*, October 25, 1851.
[38] *Daily Delta*, October 14, 1851.
[39] Butler, *op. cit.*, 97.
[40] *Daily Picayune*, October 31, 1851; *Daily Delta*, November 1, 1851.
[41] *Ibid.*
[42] *Daily Delta*, November 1, 1851.
[43] *Ibid.*

Mr. Robb first thanked his fellow citizens for the kind reception extended him and stated that he was not running for office as a partisan, but as a citizen moved to action by the necessity of the times and the need for reforms. These reforms were: the restoration of the credit of the city, the development of the enterprise of its citizens, the improvement and extension of its natural facilities as a great trading mart—in fine, they involved the recovery and restoration of New Orleans from a state of langour and decay to one of prosperity and activity.[44]

He then entered into a discussion of New Orleans' strategic position, her natural waterways and her commerce, and described the people as trusting in repose upon what a beneficent God had done for them. Trusting in the rich gifts of nature the people had folded their arms and had neglected to employ those arts and appliances by which Nature had been overcome elsewhere. The result was a city of stagnation, of declining prosperity and repudiated credit. While other cities had advanced, New Orleans had retrograded.

He explained how the East had surmounted her natural boundaries by canals and railways. He pointed out that at that date it still took nine days for a letter to come from Louisville to New Orleans in the best season, and fourteen days during six months of the year; while on the other hand the merchant in Louisville could communicate with New York in fifty hours.

He next urged the cause of internal improvements in general and railroads in particular. These, he said, would place New Orleans within thirty-six hours of Kentucky and would result in a rebirth of the trade and commerce of New Orleans. True, he continued, New Orleans had an export trade, but no city could live on exports alone. "Where", he asked, "is this money spent? In New York and the East." New Orleans merchants had no means for shipment of merchandise to the merchants of the interior of the United States. In addition, he stated, manufacturers and a great working and industrial class of mechanics and artisans were necessary as the basis for the permanent population and upbuilding of a city. New Orleans could by a system of railroads reach out into the great Mississippi Valley and by trade build up her city to one unsurpassed elsewhere in the world, but her foundation must of necessity be secure.

[44] *Ibid.*, November 2, 1851. This and the following paragraphs are a summarization of this address of James Robb.

He estimated the cost of such a railroad at $10,000,000, and for the purpose of financing the project he proposed a tax on real estate. Such a tax, he said, was nothing new. It had been used successfully elsewhere. Why not, he asked, tax real estate as it more than any other thing benefits in increased valuation. He illustrated his point by citing the example of the city of Louisville. There the opposition to a real estate tax even carried the issue into the courts, and none fought the issue more vigorously than a Mr. Jacobs who subsequently became president of the proposed railroad. However, Mr. Jacobs today was as strongly in favor of the tax as were the other residents of Louisville, for since the beginning of construction of the railroad property values in that city had increased by four million dollars, whereas the total tax amounted to only two millions. Thus they had doubly benefited. As for New Orleans, he predicted within ten years an increase of 50,000 in population and $40,000,000 in the assessed valuation of property were the railroad to be built.

His next assault was against the capital tax of the State of Louisiana. He stated that capital must be unincumbered. He was strongly opposed to the burden of the tax because it placed New Orleans business firms at a disadvantage in competing with other sections of the country not so burdened. This, he said, resulted in a strangle hold on business and should by all means be removed.

He next discussed the matter of free banking. New Orleans, it was said, was suffering from a lack of capital. In this regard he stated that he had already shown that the want of capital was secondary to the want of credit and internal improvements. If they would embark liberally on a program of improvements, revise their laws, give proper guarantee to capital, reduce their burdens and taxation, capital would come there as certainly as the Mississippi flows to the Gulf. He said that he would vote for a judicious system of free banking, but for no other; he would vote for one by which the public would be secured against fraud and defalcation, not one which affords no protection but redeems its issues out of the industry of the people. He further said that it was well to understand that all the banks in the country could not create more capital in New Orleans, for only by restoring credit, increasing valuation, etc., could capital be created. Further, he said, he was opposed to bank monopolies and charters and that he would always oppose that or any other system which did not amply protect the people from fraud and imposition.

He then stated that he was in favor of submitting to the people the question as to whether or not a constitutional convention should be held to effect reforms in the organic law of the state. He was also in favor of and would advocate the claims of New Orleans to a safe charter of rights. He was, therefore, going to push forward and appeal to the state, by its pride and its sense of justice and fair play, to concede to New Orleans its own charter and form of government.

In closing, he urged the people to forget parties and to resolve to vote for the best men who would push the interests of the City of New Orleans and of the State of Louisiana.

Of particular interest in this campaign is the plan for the consolidation of the city of New Orleans. It is said that both Robb and Benjamin had for a long time been supporters of the consolidation movement, but at the time the Whig platform was drawn up this issue was omitted.[45] Subsequently, however, because of Robb's advocacy of this issue and the people's interest in the plan, it was inserted as a plank in the Whig platform for 1851.[46]

The election was held on November 3, 1851, resulting in a complete rout of the Democratic party and a sweeping victory for the Whigs not only in New Orleans but throughout the entire state.[47] The Democratic nominees for the State Senatorship, in opposition to Robb and Benjamin, were William Dunbar and W.W.W. Wood.[48]

The results of this election were significant not only because of the complete overthrow of the Democratic party, but also because of the issues involved and the proposed changes which were certain to result. Moreover, United States Senator Solomon W. Downs, a staunch Democrat, was faced with an almost certainty of losing his seat in Congress as the Legislature would have a Whig majority, thus assuring that party the control in the election of a United States Senator.[49] This rout of the Democratic party was attributed by the *Delta* to the progressiveness of the Whig platform, coupled with the great necessity for state reforms;[50] the Whigs having selected as candidates men known as advocates of these needed reforms, thus would undoubtedly bring to the polls

[45] *Daily Delta*, November 5, 1851.
[46] *Ibid.*, October 7, 1851.
[47] *Ibid.*, October 29, 1851.
[48] *Ibid.*, November 1, 5, 6, 1851.
[49] *Ibid.*, November 5, 1851.
[50] *Ibid.*

many voters who otherwise would not have exercised their right of suffrage.[51]

In this election James Robb received more votes in the city of New Orleans than any other candidate. He polled 5486 votes, while James P. Freret, Whig candidate for sheriff, polled only 5344 votes.[52] Robb undoubtedly was the major influence in the city of New Orleans at this time. His position was definite and his opinions on all important issues were well known. It is not too much to say that Benjamin, since he was out of the city during the entire campaign, owed his election to Robb, as he in a measure did his election as United States Senator in 1852.[53]

With the election over, matters settled down again, but only temporarily, for the people were anxiously awaiting the actions of the new Legislature on the proposed reforms in the government.[54]

The first rumor to be heard about the contemplated reforms began to be circulated early in 1852. The report had gotten out that James Robb, in line with his promises for reform, had undertaken the writing of a charter for the city of New Orleans. He had enlisted the aid of John Slidell in the undertaking, and they were jointly preparing the proposed charter. This report, coupled with Robb's refusal or rather disinclination to take the people into his confidence, aroused some resentment on the part of the public. This resentment was fanned by some of the newspapers. The *Bee* was particularly vicious in its attack upon these two gentlemen, and the *Crescent* only slightly less so since it urged public notice of all contemplated changes so as to open them up for public consideration and discussion. The *Delta*, however, came to the support of Robb and Slidell and stated that it was hardly likely that the above papers would care to fill their pages with drafts of charters and the like. It further stated that it considered unjust this criticism of these men who were merely doing their duty.[55]

Undoubtedly, Robb's reticence in regard to publicizing the proposed charter was in no small measure due to the opposition which had previously been built up when the people had been allowed to discuss proposed changes in their form of government.

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[51] *Ibid.*, October 30, 1851.
[52] *Ibid.*, November 6, 1851.
[53] *New Orleans Price Current*, August 6, 1881; *New Orleans Daily Democrat*, August 3, 1881.
[54] *Daily Delta*, November 5, 1851.
[55] *Ibid.*, January 1, 4, 1852.

In this he seemed to show particular wisdom, for then as always there was a group in New Orleans who opposed consolidation; but in this case they could not organize their forces until they had something definite to fight.

The Legislature met in Baton Rouge on January 19, 1852. Mr. Robb was immediately appointed a member of the Committee on Finance and chairman of the Committee on Internal Improvements.[56] We shall take little note of many of the issues which came up for discussion, but shall confine our discussion to those vital issues in which Robb interested himself. The first of these was the bill introduced by him providing for the consolidation of the three municipalities of New Orleans. This same bill also provided for a charter for the consolidated city. The bill was introduced in the Senate on January 26, 1852.[57] It contained no provision for popular ratification, but since the city had been divided in 1836 solely by legislative action, and in the present instance public approval of consolidation had been so openly manifested, the legislators undoubtedly considered popular ratification of the measure unnecessary, since in reality all they were now proposing to do was to repeal an act of the Legislature passed in 1836.[58]

On February 3, 1852, a separate bill was introduced providing for the annexation of Lafayette to New Orleans.[59] The failure to include this annexation bill in the consolidation bill resulted in a great deal of criticism, but the reason assigned was that there was a probability that the annexation matter might be held to be unconstitutional, and if included in the consolidation bill it would then result in the probable loss of both measures. Hence, by the separation of the two measures it was felt that consolidation of the three municipalities was assured.[60]

The consolidation bill came up for final passage in the Senate on February 4 and received the unanimous vote of that body,[61] and on February 12 it passed the House by a vote of 77 to 2.[62] Thus was accomplished one of the major planks of the Whig platform of 1851, within less than thirty days after the beginning of the ses-

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[56] *Louisiana Senate Journal*, 1852, pp. 24-25.
[57] *Ibid.*, 27, 37; *Laws of Louisiana*, 1852, No. 71, pp. 42-45.
[58] *Louisiana Senate Journal*, 1852, p. 38.
[59] *Ibid.*, 46; *Laws of Louisiana*, 1852, No. 72, pp. 55-57.
[60] *Louisiana Senate Journal*, 1852, p. 27.
[61] *Ibid.*, 49; *Daily Delta*, February 16, 1852.
[62] *Daily Delta*, June 30, 1852.

sion. Such prompt action bespeaks well not only for Mr. Robb personally, but also for the entire Legislature in attending so speedily to one of the major issues before that body.

The final passage of the consolidation bill was the signal for the New Orleans press to begin in earnest their praise of James Robb and his efficiency and the new day for New Orleans, which they predicted would now dawn with the return of prosperity and the stabilization of the credit of the city under the new charter.[63]

During the same session of the Legislature, in fulfillment of the Whig platform, Benjamin introduced a well-matured Corporation bill and a bill appropriating lands for the benefit of railroads.[64] Charles C. Lathrop, a member of the House of Representatives from New Orleans, also introduced a bill authorizing free banking, but it was considered unconstitutional and failed to pass.[65] An act calling a constitutional convention to enact reforms in the organic law of the state was also passed at this session, and in July following the Constitutional Convention met in Baton Rouge and speedily compiled a model state constitution. One of the principal changes was the incorporation in the new Constitution of the Whig plank calling for an elective judiciary.[66]

For some time prior to the meeting of this session of the Louisiana Legislature, the Compromise of 1850 had been one of the most important political issues throughout the nation; and early in the session General R. C. Martin, Senator from Assumption Parish, introduced a motion calling for resolutions approving the action of General Solomon W. Downs in voting for the Compromise measures in the United States Senate. General Downs had previously been lauded throughout the entire state for his actions in the matter. But when this resolution was brought up in the Louisiana Senate, Mr. Robb moved that it be tabled. After considerable discussion Mr. Robb clearly stated his position with regard to Senator Downs, the Compromise of 1850, and the proposed resolutions. In essence, he said that he did not intend to become involved in political matters such as this one, since he deemed his time better spent in effecting legislation which would redound to the good and prosperity of the state. Further, he stated that he regarded the subject of the resolutions as worthy only of

[63] *Ibid.*, March 13, 1852.
[64] *Ibid.*, January 24, 1852; *Laws of Louisiana*, 1852, No. 176, pp. 129-131.
[65] *Daily Delta*, January 24, 1852.
[66] Alcée Fortier, *History of Louisiana*, III, 251; *Laws of Louisiana*, 1852, No. 73, pp. 57-58.

the attention of old women and children; that he had carefully read all the proceedings and debates in the United States Senate and not seen in one month's discussion in that body one line of sense on the subject. He also said that in his opinion there was no danger of the Union being dissolved, and he had told his views on the matter to Mr. Soulé. He could see no cause for alarm and did not hesitate to say that he approved the Compromise measures themselves.[67]

The passage of the Consolidation Bill was to New Orleans by far the most important act of the session, for to her it meant revival and a fresh start from what had looked like permanent stagnation. Even before the Legislature had adjourned, plans for the coming election of officials under the new charter were going forward.[68]

The new charter provided that only three distinctions of the old separate municipality system should remain, namely:

1. Preservation of the old school system;

2. Recognition of the obligation of each municipality to pay out of its own funds the debts contracted by it prior to the union; and

3. The apportionment in the two councils provided for in the new charter. The General Council of eleven members was to consist of four from the First, five from the Second, and two from the Third Municipality. The Common Council of twenty-four members was to consist of eleven from the Second and thirteen from the First and Third Municipalities.

In addition the act provided for a Mayor, two Recorders, one Treasurer, one Comptroller, one Secretary, one Attorney, and no Tax Collectors, and with a Chief of Police to be appointed by the Mayor with the consent of the Council. Further, it called for the refunding of the city debt by the issuance of new bonds to run from ten to forty years, and each numbered so as to show the municipality owing it. Also a special tax was to be levied and the revenues accruing therefrom earmarked to guarantee the payment of the interest on these bonds. The stipulation was also made that no other business could be transacted until this matter had been attended to.[69]

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[67] *Daily Delta*, March 10, 1852.
[68] *Ibid.*, March 9, 11, 1852.
[69] *Ibid.*, March 13, 1852.

James Robb, as the co-author of the consolidation bill and an early and ardent supporter of the movement, quite naturally was given a place in the limelight and was one of the first men to be mentioned for office under the new charter. As might be expected, the Whig party lost no time in nominating him for the position of alderman on their ticket.[70] The press began to fear for the success of the new system of city government if it were allowed to become strictly a party issue, so almost without exception the newspapers began to urge the people to forget party lines and to select and vote for the best qualified men. They urged them not to lose sight of the benefits of a well-chosen and well-qualified set of officers and the good which such men could accomplish for the city. For this purpose they proposed the dropping of old party issues and letting the sole question be the relative merits and qualifications of the candidates.[71]

Out of this agitation arose what came to be known as the Independent Reform Party. It was a union, regardless of party affiliations, of those who desired to see only the best men elected. It proposed a union of parties for the sake of best serving the interests of the city. This group met and from the residents of the entire city selected its ticket for the election, regardless of party lines. James Robb was honored by being named as one of the candidates put forward by this organization. He was present at the meeting at which the nominations were made and enjoyed such popularity that the business had to be postponed because of the clamor set up by the people for him to speak.[72]

Of his address on this occasion, the *Delta* said: "He was received with the greatest enthusiasm.... At the commencement he spoke so quietly that we could scarcely catch his words, but he warmed to the theme in a few moments." And further, elsewhere: "The crowd called so loudly for Mr. Robb that that gentleman felt constrained, reluctantly to address them, which he did briefly with great spirit and at the same time with admirable temper."[73]

He opened his address by referring to the purpose of the meeting, which he said was good and necessary for the future of the city. He said that he had been subjected to imputations but that so long as he was doing what he considered to be his public

[70] *Ibid.*, January 1, 2, 10, 27, March 9, 11, 12, October 7, November 5, 1852.
[71] *Ibid.*, March 11, 13, 17, 1852.
[72] *Ibid.*, March 9, 11, 12, 13, 17, 1852.
[73] *Ibid.*, March 17, 1852.

duty he would continue to bear them. He also referred to the accusation that he had been dealing in the city's bonds and was endeavoring to profit from consolidation.[74] He stated that he did not hold a dollar's worth of the city's bonds, but that he did hold a note for $40,000 due him by the Second Municipality on a loan which had been carried since 1845, on which not even the interest had been paid up; and if anyone cared to purchase this note at a discount of five percent he would be ready and willing to sell. He next referred to the need of unity in fighting those who were opposed to consolidation and who hoped to block the progress of the city. He then appealed to his hearers as citizens of New Orleans to arise, to fight for their city by going to the polls and casting their ballots for those whom they deemed best able to serve the city. As to the bonds, he felt them to be just obligations that should be paid. In closing, he said:

> Let us lose sight of all those extraneous and foreign matters, and look to the true honor and interests of our city; let us select men who are worthy of our confidence and who will regard the honor of the community as dear to them as their own; and my life on it, New Orleans will march onward steadily to the accomplishment of her destiny.[75]

It is impossible to estimate in words the influence which such a speech as this had on the election, not only because of the sentiment but also because of the blind faith which the people of New Orleans were at the time exhibiting in James Robb as their leader. Here was a man who declined political fame, yet when needed he forsook his private business to serve in the Legislature where, unlike most men, he worked diligently for and saw through to completion the program upon which he was elected. No stronger proof that he sought not political fame but only to serve the people in what he considered to be for the best interests of all is needed, than to recount that during the session of the Legislature he was approached and virtually offered the United States Senatorship from Louisiana, which position he declined; and he swung his support to his ally and friend, Judah P. Benjamin, and engineered his election when success was seemingly impossible.[76] If further proof were needed, what more could be asked than to cite his resignation from the State Senate after serving less than one year, in order

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[74] *Ibid.*, January 27, 1852.

[75] *Ibid.*, March 17, 1852.

[76] *Ibid.*, January 29, November 12, 1852; *New Orleans Price Current*, August 6, 1881; *Louisiana Senate Journal*, 1852, p. 36.

to run for the position of alderman in the city of New Orleans? Surely he can not then be accused of seeking fame and glory; his only desire must be acknowledged to have been to serve the people where they most needed him, for certainly the fame to be derived from serving on the City Council could not rival that of service in the Legislature under any circumstances. But this was not his way of considering the matter; his test was, "Where may I best serve?" His only interest was in seeing the city of New Orleans and the State as a whole take their rightful place in the sun. Suffice it to say that he was undoubtedly the most outstanding man in New Orleans during this period.

On March 23, 1852, the first New Orleans election under the new charter was held. Mr. Robb was elected over the next highest candidate for alderman by a plurality of eight hundred votes, his vote exceeding that given A. D. Crossman for Mayor by more than a thousand and including more than three-fourths of all the votes cast.[77] The Independent Reform Party elected a majority of its candidates, but it must be remembered that they had nominated some men like Robb and others who had already been nominated by either the Whigs or the Democrats, thus proving their popularity. Regardless of parties, however, we find a new spirit prevailing in New Orleans after the election. Commenting on the auspicious outcome of the election, the *Delta* said:

> The newly elected Board of Aldermen will look to the true interests of the city, to the restoration of its credit, its prosperity, and its honor.
>
> On the whole, therefore, we look to our Board of Aldermen as the Senate of our corporation, which will act as a breakwater against the billows of party and the waves of corruption, that have so long deluged our city and cast a blight on its prospects.[78]

The first meeting of the newly-elected Common Council was held on March 29, 1852. A large crowd of citizens turned out because of the auspiciousness with which they regarded the occasion. Mr. Robb was absent from this meeting, but since he had taken such an active and leading part in furthering the plan for consolidation he was promptly nominated and elected President of the Council, with Charles Claiborne as Secretary and E. Giquel as Sergeant-at-Arms.[79] The Council met again on May 25, when

[77] *Daily Delta*, March 23, 24, 1852.
[78] *Ibid.*, March 28, 1852.
[79] *Ibid.*, March 30, 1852.

Mr. Robb was present and took his seat as President for the first time. Up to this time nothing had been accomplished.[80]

With Mr. Robb's return, however, the Council promptly took up the business of refinancing the city, refunding its debt, and carrying into effect other salutary reforms. No great deal of publicity accompanied this work, and on the whole it proceeded quietly without fanfare or trumpetry. The people were scarcely aware that a change had been made, so quietly did the Council proceed with its important work. Thus the people were taken unawares when early in the summer of 1852, the Council through its agent, Corning and Company of New York, advertised for bids on the new bonds of the city of New Orleans.[81]

On July 20 the bids presented by the various brokerage firms were opened in New York. Twenty-five firms in all submitted bids, only seven of which operated in New Orleans. James G. King and Sons of New York, representing an English house, took the entire issue. It is of special interest to note that the only par bid made by an American firm was that of the Bank of James Robb, which bid for $1,000,000 worth of the bonds at par. Stimulated by this faith of a resident of New Orleans, King and Sons raised their bid slightly to $100.68 to secure the entire issue.[82]

For some time rumors had been afoot in New Orleans of an attempt to depreciate the credit of the city in order for some interested parties to make money by speculating in the city's bonds; and James Robb's name had been mentioned in this group who thus hoped to benefit financially. But of this the *Delta* said:

> Only par bid made by an American house, proceeded from the house of our fellow citizen, James Robb. He offered to take one million at par. It was no doubt this offer, which led the English House to make a small advance to get the whole amount. This fact is quite a satisfactory reply to the insinuations which have been quite rife in this community, for some months past, that Mr. Robb had attempted to depreciate the credit of the New Corporation. It shows that the gentleman thus traduced has again brought his great influence to the restoration and support of the credit of the city. To show the sincerity of his convictions in regard to the new organization of our city government, he has offered ten per cent more for the city bonds than any other American capitalist would tender.[83]

[80] *Ibid.*, May 26, 1852.
[81] *Ibid.*, July 30, 1852.
[82] *Ibid.*, July 30, 1852.
[83] *Ibid.*

In this same issue of the *Delta* there appeared two commercial letters from its New York correspondent, known as "Giraffe". In the first of these letters he has the following to say in regard to the sale of New Orleans Consolidated bonds:

> By this you will perceive that the bid offered by the New Orleans and Wall Street combination was only 90-100. If the history of this whole plot to depreciate the credit of New Orleans could be unfolded, it would not be very creditable to some persons whom I could name. The citizens of New Orleans should tender Mr. Robb a public dinner for being the only capitalist in this country who stood ready to endorse a par value upon your credit.[84]

And in the second letter of the same date he has this to say:

> I do not remember a time when Wall Street financiers were caught so perfectly napping as they were yesterday in regard to the $2,000,000 Consolidated loan. They had been setting traps for weeks, and making all kinds of combinations to depreciate the credit of New Orleans, and get control of this loan far below its par value. To all inquiries about this matter, they held as a fair estimate of your credit the late sale of bonds in New Orleans belonging to the M'Donogh estate, insisting that New Orleans people had stamped the value of their credit by the price those bonds sold for. Seldom has so much disappointment been witnessed in Wall Street as today, when the English bid was opened at above par. It was like a thunder clap among our "Bulls and Bears", and it sent them scattering in every direction. Mr. Robb bid for a million at par, and after that I do not think the other bids will average 90. Honor and credit are due James Robb, of your city, as the only American who stood ready to stamp a par value upon New Orleans credit. You want a few more such men as Robb to make New Orleans what she should be. I do not know when I have witnessed more real joy expressed than was seen today in the face of every citizen of the Crescent City.[85]

Thus, by the fall of 1852 we find that practically every plank of the Whig platform of 1851 had been successfully carried through. A new corporation bill, an act appropriating lands in aid of railroads, and the consolidation of the three municipalities of New Orleans, had all been enacted into law. A Constitutional Convention had been held, which had made many desired reforms in the organic law of the State, including provisions for an elective judiciary. Hence, the free banking issue was the only plank in

[84] *Ibid.*
[85] *Ibid.*

that platform still left unsettled. This Legislature of 1852 was for years referred to as the "Model Legislature of the South."[86]

However, the people soon forgot, as they are inclined to do in such cases, and after serving for only one year on the Council Mr. Robb and several other prominent members did not run for re-election, deeming their work complete. For the time being New Orleans rose rapidly and seemed to shake off her former lethargy and to move forward with a new spirit motivating her. But by 1855 we find politics again involved in the affairs of the city, and on every side a cry was again being made for the citizenry to arise and restore their city to her former prestige, for after the noble work of the Council of 1852, under the leadership of James Robb, in restoring the credit of New Orleans, the city was already once more suffering with financial troubles and was threatened with depreciated credit.[87] And to relieve this new situation, a modified charter for the city was enacted by the Legislature in 1856.[88]

Thus we close the discussion of the political career of one who left himself indelibly stamped in Louisiana history as the perfect office holder, one who sacrificed his personal interests for the larger one of the State, and who not cherishing political prestige on several occasions not only declined advancement but rather resigned his greater office for a lesser one in which the opportunity for public service was greater. His accomplishments for Louisiana and more especially for New Orleans were pre-eminent, and it is doubtful whether either ever had a more sincere and conscientious representative than James Robb.

Chapter III

The Railroad Movement In Louisiana, 1829-1851

In the 1850's Louisiana experienced a boom in the development of internal improvements which has undoubtedly not been exceeded even to this day in general public interest and enterprise. This boom began about 1845, when with definite indications that the Panic of 1837 was over, plans began to be formulated for the construction of the Tehuantepec and other railroads.

As early as 1829 we find plans under way in Louisiana for a railroad. The first railroad in Louisiana was the New Orleans

[86] *Ibid.*, March 12, 1852.
[87] *Daily Crescent*, March 19, 1855.
[88] *Ibid.*, April 7, 1856; *Laws of Louisiana*, 1856, No. 164, pp. 136-167, and No. 188, p. 197.

and Pontchartrain, five and one-half miles in length, completed in 1830, though a steam locomotive was not used on it until 1832.[1] Immediately after this time, in line with the stimulated development of internal improvements all over the United States, Louisiana experienced her first boom. The fruits of railroads and other internal improvements were glowingly described by their backers. During the decade 1828-1838 we find no less than twenty-four railroads being chartered by the State of Louisiana and ten other proposed lines which for one reason or another failed to secure charters. Some of these early railroads were completed and gave uninterrupted service until the outbreak of the Civil War. Some were short lines, such as the Clinton and Port Hudson, the New Orleans and Carrollton, and the Alexandria and Bayou Boeuf, while others were more extensive projects, especially for their day, such as the Atchafalaya Railroad and Banking Company, the Lake Providence and Red River Railroad Company, and the New Orleans and Nashville Railroad Company. This last named company was incorporated in 1835 with a capital of $6,000,000.[2]

While most of these early railroads were never completed and were planned to serve only local needs, it is doubtful if any other section of the country was the seat of greater railroad activity during this period. This development was not confined to railroads but spread to every field of enterprise, especially banks, land companies, utilities, and the like. The result of this overspeculation, as it proved to be, was the Panic of 1837, which either completely wiped out or left insolvent the majority of these improvement companies. The companies, good and bad, all suffered alike in the withdrawal of public support. An excellent example of this situation was the prostrated condition of the New Orleans Gas Light and Banking Company in 1837, when James Robb arrived in the Crescent City. The economic effects of the Panic of 1837 were felt for about eight years, but gradually business began to revive and once again the public began to take an interest in internal improvements.

Thus, when in 1845 the Tehuantepec Railroad was chartered, it was merely the first indication of the new era of development.

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[1] *Biographical and Historical Memoirs of Louisiana* (Chicago, 1892), II, 48; John W. Starr, Jr., *One Hundred Years of American Railroading* (New York, 1929), 137-150; Henry Rightor (editor), *Standard History of New Orleans* (Chicago, 1900), 300.

These sources disagree on the length of this road at the time of completion, varying from four and one-half to six miles. The middle distance of five and one-half miles is used here.

[2] *Biographical and Historical Memoirs of Louisiana*, II, 48-49; Unpublished data compiled by John Andreassen, Louisiana State University.

The movement started slowly, with the holding of commercial conventions, and then with the coming of the 'fifties entered a period of rapid development. For this new railroad era Louisiana was better prepared, having profited by the lessons which had been learned from the Panic of 1837.

On December 5, 1849, a meeting was held in the Commercial Exchange in New Orleans for the purpose of selecting delegates to a railroad convention to be held in Monticello, Mississippi, on December 10 following. Those present adopted the following resolutions:

> WHEREAS; The period has arrived when the city of New Orleans should extend her influence in promoting works of internal improvement calculated to benefit her internal commerce and protect her trade and intercourse with the people of the Mississippi Valley, and that a demonstration should be made exhibiting her earnest intentions by fostering such projections as will most conduce to that end; and
>
> WHEREAS; The intelligent citizens of Mobile, and of the states of Alabama, Tennessee, and Mississippi are already embarked in schemes calculated to deprive her of a large portion of trade and commerce which would otherwise inevitably find its way to her port; therefore,
>
> RESOLVED, That the citizens of New Orleans are deeply interested and fully alive to the importance of cooperating with the citizens of Mississippi in the construction of a railroad hence to the City of Jackson and regard it as a measure eminently calculated to accelerate a system of internal improvements, conferring incalculable benefits, and creating an intercourse with the interior both desirable and important to the proper appreciation of resources which are destined to advance the great interests of agriculture, commerce and manufactures;
>
> RESOLVED, That we deem the construction of such a railroad to be perfectly feasible and within the capacity of the united influence of the citizens of the communities mostly interested without the aid of banking capital or foreign loans and that immediate measures to cause the preliminary steps to be taken in the premises are hereby recommended to be adopted by the convention proposed to be held at Monticello, Mississippi, on Monday next, the 10th instant;
>
> RESOLVED, That the president of this meeting be requested to appoint delegates to represent the city of New Orleans in the convention to be held at Monticello, Mississippi, on Monday next.[3]

[3] *Weekly Delta*, December 10, 1849.

Included among those named as delegates to the convention were James Robb, Judah P. Benjamin, and Glendy Burke.[4] This interest, however, proved a little premature, for only two, J. B. Gribble and J. D. B. DeBow, of the twenty-eight delegates named from New Orleans, attended the Monticello convention, where plans were made for the convention to reassemble in New Orleans on March 21, 1850. Delegates to this convention were elected by a number of small towns in Louisiana, in addition to those who had been named to attend the Monticello convention. Plans were under way in New Orleans, but little outside interest was aroused. When the convention met on March 21, only a handful from New Orleans were present. The convention met in the New Orleans Municipal Hall and Judge William A. Stone, the president of the Monticello convention, presided.

The first important discussion in the convention was in regard to possible routes for the proposed railroad, on which Captain Warren A. Grice, chairman of the Committee on Routes, reported three alternate routes under consideration, namely: (1) The Madisonville route; (2) the route by way of the Rigolets at New Orleans; (3) the old New Orleans and Nashville route. In each case the terminals were to be Jackson, Mississippi, and New Orleans, but the localities between these cities all desired the road to run as close to them as possible. He further stated that it was now generally admitted that the road could be constructed.

C. S. Tarpley of Hinds County, Mississippi, then stated that the Mississippi Legislature had passed a charter for the railroad, exempting it from taxation for fifteen years, granting the road a right-of-way, and appropriating $2000 for surveying.[5] In a later session of the convention, this same gentleman expressed himself very feelingly on the lack of enterprise exhibited by the people of New Orleans on the subject of railroads. Nearly all the delegates present, he stated, were from Mississippi or the piney woods, while not a dozen citizens of New Orleans had honored the convention with their presence. He stated that Mississippi was willing, anxious and determined to build her portion of the road, but he perceived no disposition on the part of the city of New Orleans to accomplish her portion; and he said with regret that he believed New Orleans would never carry it out. In closing, he warned the

[4] *Ibid.*
[5] *Ibid.*, March 4, 1850.

citizens of New Orleans that the trade of Mississippi would seek another outlet than New Orleans unless that city awoke and responded.

The convention sat for several days and adjourned without having accomplished any real good. It only set things in motion for the work which was yet to be done. While proposals for the incorporation of the road in Louisiana were made and stock books were opened for subscriptions, public interest was lacking and the proposed road received little encouragement or aid from the city of New Orleans.[6]

At this time New Orleans was busy with her own worries over consolidation, and evidently she had not yet awakened to the need for railroads if she was to retain her position as a commercial city. Throughout the remainder of 1850 the principal interest in the proposed railroad was demonstrated by Mississippians. However, with the arrival of the year 1851 we find New Orleans on the threshold of a new era both politically and economically.

As proof of this new interest which was beginning to develop in New Orleans, we find that on February 25, 1851, Governor James C. Jones of Tennessee was scheduled to speak at the Commercial Exchange on the subject of "Internal Improvements". Unlike the earlier meetings of this nature, we find the most prominent men of the city present on this occasion. Whether this was because of the prominence of the speaker or due to a real interest in internal improvements is difficult to determine. However, once aroused, the New Orleans business leaders were enthusiastic and swept on to carry the project through to success.

On the night scheduled for the meeting the Exchange was filled with what the *Delta* termed "a crowd of our most enterprising, solid, and public spirited citizens, assembled to hear Governor Jones of Tennessee on the subject of Internal Improvements in the Valley of the Mississippi." Major James A. Beard called the meeting to order and James Robb was elected president of the meeting, with Samuel J. Peters, H. R. W. Hill, Maunsel White, Glendy Burke, L. Mathews, and Peter Conrey as vice-presidents, and J. D. B. DeBow and Alexander Walker as secretaries.

Mr. Robb addressed the assembly, introduced Governor Jones as a gentleman from another state who had taken the lead in the

[6] *Ibid.*, March 25, 1850; *Daily Crescent*, March 22, 1850.

great movement in favor of internal improvements in the Southwest, and invoked their serious attention to the views of their guest speaker. Governor Jones then addressed the meeting for over two hours, in an able and thought-provoking manner. He was deemed a good popular speaker, and on this occasion he provided the spark which had been so long needed in New Orleans to set aglow the movement for internal improvements.

After the conclusion of Governor Jones' address, Judah P. Benjamin and J. D. B. DeBow each spoke briefly. Then James Robb addressed the assembly in a few remarks of urgent appeal to the citizens to come forward and aid their enterprise. He begged them to act like men, public-spirited and liberal men—to unite both perfect harmony and liberality in saving their city from the inevitable effects of the present system of indifference and inactivity, by which her trade was suffering so severely. This appeal had the desired effect. Mr. Robb led off with a subscription of $30,000 and in a few minutes over $60,000 had been subscribed.

J.D.B. DeBow then presented the following resolutions, which were unanimously adopted:

> WHEREAS, The extension of railroad enterprises in the Southern and Western States, in tending to the development of resources and power, and in strengthening the bonds of union which exist between them, is a subject in which the people of New Orleans feel the deepest interest, and in carrying out which they will most heartily cooperate;
>
> RESOLVED, That this meeting heartily approve of a convention of the Southern and Western States, which has been suggested in different quarters, for the promotion of our railroad enterprises and other kindred purposes, and respectfully recommend the city of New Orleans as an appropriate place for the meeting of this convention;
>
> RESOLVED, That it be recommended to the General Council of the City to take such steps as will, with the consent of sister states, insure the assembling of such a convention at as early a day as possible.[7]

Thus within less than a year we find New Orleans advancing from an indifference which had aroused the ire of Colonel Tarpley and which had manifested itself in the failure of the citizens to attend the railroad convention in 1850 to an enthusiasm which was spreading like wildfire. It is difficult to imagine the New Orleans

[7] *Daily Delta*, February 26, 1851; *Weekly Delta*, March 3, 1851.

of 1850 turning out in such great numbers as it did in 1851 to hear Governor Jones. It is likewise difficult to imagine their liberal subscriptions on this occasion. Of Mr. Robb's subscription the *Delta* said: "A few such men as James Robb and the City would soon be 'out of the woods' ".[8] It would seem that New Orleans was now at last awake to the necessity of the construction of railroads if she was to maintain her standing as a commercial city. In this connection we may well credit the new awakening to the interest which was shown by such leading citizens of New Orleans as Samuel J. Peters, Glendy Burke, Mayor A. D. Crossman, Judah P. Benjamin, J. D. B. DeBow, and James Robb.

Under the guidance of these men there spread over New Orleans a railroad fever the like of which had never before been known. The municipal councils of New Orleans co-operated, which was unusual, to say the least. Plans matured rapidly in line with the resolutions adopted by the meeting of March 21, and on every side reports came in of the selection of delegates to the great Railroad Convention which was to be held in New Orleans on April 16, 1851. George Clark, C. D. Yancey, G. Hooper, and P. N. Woods, representing respectively the First, Second, and Third Municipality of New Orleans, and Lafayette, were appointed the committee of arrangements for holding this New Orleans and Jackson Railroad Convention, as it is commonly called, which met in the Municipal Hall on the day appointed.[9]

Large delegations were present from each of the three municipalities of New Orleans, from the neighboring towns of Lafayette, Jefferson City, and Carrollton, and from the Louisiana parishes of St. Charles, St. Mary, East Baton Rouge, St. Helena, Washington, Livingston, and St. Tammany. The Mississippi counties of Pike, Lawrence, Copiah, Marshall, Hinds, and Warren were all represented, as were also the States of Tennessee and Kentucky.[10]

The committee on organization reported the following nominations for officers, who were elected by the convention:

President: James Robb.

Vice-Presidents: J. Wall, C. S. Tarpley, and Sheppard Brown, from Mississippi; J. Baldwin, J. D. B. DeBow, R. M. Davis, Glendy Burke, and Clark Woodruff, from Louisiana; and E. King, from Tennessee.

[8] *Ibid.*
[9] *Daily Picayune*, April 1, 1851.
[10] *DeBow's Review*, X, 690.

Secretaries: John Calhoun, J. DeFerriet, and J. R. Dufrocq, from Louisiana; and John Marshall, from Mississippi.[11]

On taking the chair, James Robb was greeted with prolonged applause. He then addressed the convention briefly. He returned his profound acknowledgments for the compliment of being called upon to preside over the deliberations of such an important assemblage. It could not be anything but gratifying to him to be placed in such a position in a body embracing so large a number of the enterprising and intelligent citizens of the great Southwest. Everyone, he felt, was responding with emotions of pleasure and satisfaction to the new interest of the public which was being exhibited in this enterprise. The spirit of progress which had worked such wonders in other parts of the United States was at last beginning to manifest itself among the people of the South, and more especially in New Orleans, and was evidenced by a change in public sentiment towards internal improvements. He referred to the convention held in New Orleans in 1850, which he termed an "abortive attempt to hold a convention". "Even those named as delegates failed to appear", he said; but now a different sentiment prevailed. The citizens were awake and aroused to the necessity of action and to the vital importance to New Orleans of being connected with the great system of railroads which was expanding so rapidly in the United States. It was a source of pleasure and pride to know that all present represented a common purpose and interest; they were all citizens of the same great valley, every part of which was interested in this great enterprise.

The trade of New Orleans was being taken away and she must arise to resist this movement. She had too longed indulged the idea that her natural advantages were an abundant resource. She must awake from this delusion. She must protect herself against other sections that invaded her territories with rails and drew her trade away from her. He cited the State of New York, where DeWitt Clinton had built parallel to the Hudson a railroad which enjoyed greater passenger traffic than any other in the Union. New Orleans must follow the examples set, and instead of reposing on her natural resources she must fall in with the spirit of the times. He concluded by invoking harmony and good feeling in their deliberations. Let the different plans be discussed with calmness

[11] The account of the proceedings of the convention, given on this and succeeding pages, is based upon the reports found in the following contemporary sources: *DeBow's Review*, X, 690-694; *Daily Picayune*, April 16, 17, 18, 19, 20, 1851; *Daily Delta*, April 16, 17, 18, 19, 20, 1851; *Weekly Delta*, April 21, 28, 1851.

and forbearance. In the performance of the duties of presiding officer he asked their indulgence for any errors he might commit.

After the conclusion of Mr. Robb's address, the following resolutions were introduced and adopted:

> RESOLVED, That a Committee of Ways and Means, consisting of nine members, be appointed by the President, to report to the convention to-morrow afternoon at five o'clock a plan for raising the necessary funds for the construction of a railroad from New Orleans to Jackson, Mississippi;
>
> RESOLVED, That a Committee on Plans, consisting of fifteen members, be appointed by the President, to whom the several routes and projects for the connection of New Orleans and Jackson by railroad or otherwise, be referred, with instructions to report to the convention to-morrow at five o'clock.

In pursuance of the foregoing resolutions, Mr. Robb appointed the following committees:

Committee of Ways and Means: James Robb, Chairman, Leonard Mathews, W. H. Garland, Peter Conrey, Jr., Second Municipality; Judah P. Benjamin, H. C. Cammack, R. W. Montgomery, First Municipality; Alexander Lesseps, Third Municipality; H. S. Buckner, Lafayette; I. T. Preston, Parish of Jefferson; W. S. Campbell, Joshua Baldwin, J. P. Harrison, Glendy Burke and Alex. D. Kelly, New Orleans; W. L. Harris, Columbus; W. W. Walters, Marshall County; C. S. Tarpley and W. L. Sharkey, Jackson, and T. A. Marshall, Vicksburg, Mississippi.

Committee on Plans and Projects: Glendy Burke, Chairman; George Clark, J. M. Lapeyre, First Municipality; H. L. Ranney, C. D. Yancey, Joshua Baldwin, J. P. Harrison, Second Municipality; J. M. Cucullu, Third Municipality; P. N. Woods, L. DeSaulles, Lafayette; John Hampson, Carrollton; Alfred Hennen, H. Smith, Parish of St. Tammany; John Wall, Amite County; J. R. Dufrocq, Parish of East Baton Rouge.

Mr. Robb was added to those appointed on the Committee of Ways and Means by motion from the floor, after which the Committee selected him as chairman. On these two committees fell the real work of the convention, for their work continued even after the convention was adjourned and until the company was finally organized.

At the time appointed in the resolution the Committee of Ways and Means reported back to the Convention through James

Robb, its chairman, who read the report. In it the Committee recommended a number of things. They stated that voluntary subscription had failed in the past, and from this past experience they were inclined to place but little faith in such a method of financing railroads. Hence they strongly urged that a tax on real estate was the only effective means of financing which was expedient, or some other method of employing the public credit. In support of this proposal for taxing real estate, the Committee presented several arguments: Real estate was a legitimate object of taxation for internal improvements in that such taxation is equal in its operation on all citizens according to ability to contribute; it results in greater interest on the part of the people in the improvement, and frees the undertaking from the charge of monopoly—as all participate alike; it supplements a system of loans and credits for a cash system, which is one of greater economy; and it will create and import to the people the spirit of enterprise, life and activity, which alone can redeem Louisiana and New Orleans from an inaction that threatens to ruin her best interests.

The Committee made the following specific recommendation in its report:

> Your Committee, therefore, respectfully recommends to this convention, to invite the Councils of New Orleans, and Lafayette, and the people of the Parishes of Louisiana, to memorialize the Legislature to enact at their first session, a general law, providing that any parish, city or town, may subscribe to any railroad within the limits of the State of Louisiana, or each of the same, and to levy a tax on real estate, to be called the railroad tax, to cover the amount of any subscription made by such parish, city or town; provided, however, that all taxes thus levied and collected, shall entitle the persons paying them to certificates of stock in the road subscribed to, to the extent of the tax he pays; and that no subscription shall be made, or any tax levied, without the consent of a majority of the voters of the parish, city or town.

Following this, and in conclusion, the Committee listed eight steps to be taken in the organization of the company, such as passage of the real estate tax, the securing of a charter, the soliciting of voluntary subscriptions, etc.

The Committee on Plans and Projects reported to the Convention that several routes for the proposed road were under consideration: (1) By the Pontchartrain Railroad, a steam-ferry and Madisonville route—8 hours and 15 minutes; (2) by the old

Nashville Railroad—6 hours, 24 minutes; (3) by the line above Lake Maurepas—6 hours, 40 minutes; and (4) by the route near Baton Rouge—7 hours, 5 minutes. The time required was figured on a basis of thirty miles per hour for passenger trains over a straight and level railroad. The Committee stated that the Baton Rouge route would cost at least $2,000,000, and each of the others substantially the same amount. However, while not advocating any route in particular, they did go on record as being in favor of a line of unbroken rail transportation, thus eliminating the Madisonville route. At the same time a minority report of this Committee was submitted, stating reasons in favor of the Madisonville route.

When this majority report was submitted, it caused a great deal of excitement among the friends of the Madisonville route, and with the Convention turning against them they withdrew to another hall where they organized a rival convention for the purpose of undertaking the construction of a New Orleans and Jackson Railroad by way of Madisonville. Those withdrawing were later termed the "Madisonville Secessionists". After their departure from the convention the majority report of the Committee on Plans and Projects was unanimously adopted.

On April 19 the following resolution was adopted, which made the Committee on Ways and Means into a permanent Committee on Organization for the proposed New Orleans and Jackson Railroad:

> RESOLVED, That the permanent Committee on Ways and Means be increased from fifteen to thirty members, and that the additional members be elected, five from Mississippi, five from Tennessee, and five from Alabama—and that the Chairman of the Committee be authorized to fill any vacancies which may occur, and be permitted to appoint, as members of said Committee citizens of the said states without reference to their being members of this convention; and further, that eight members present at any meeting of the Committee shall constitute a quorum for doing business.

On motion of Joshua Baldwin, the Committee had been made into a permanent Committee on Ways and Means.

Immediately after delivering the report of the Committee on Ways and Means, Mr. Robb stated that he wished to address the Convention, and since his remarks would take more than the ten minutes allowable under the rules, he asked for a dispensation of the rules, which was unanimously agreed to. He then addressed

the meeting on the subject of "The Condition of Things in New Orleans and the Remedy".

He stated that it was with unaffected embarrassment that he appeared before them to address them on the important subject which occupied their deliberations. He came among them as a citizen among citizens, deeply interested with them in all that concerned the welfare and advancement of the city. The Committee of which he was chairman had recommended a tax on property as the best, if not the only, means by which the railroad movement could be pushed forward in the State. He then enumerated the various methods of financing which had been tried in the past, all of which had failed. Some cities, he said, used their public credit, but this means was closed to New Orleans as she was without credit abroad because of her overdue bonds and other indebtedness. New Orleans, he stated, was burdened with four classes of debt, "all pressing upon her with crushing weight". There was the old city debt of $3,000,000 contracted years before with nothing to show for it, and the debts of each of the three municipalities amounting to nearly $7,000,000 in the aggregate.

He wished to correct Colonel W. W. Walters who, in his allusion to the merchants of New Orleans, had described them as "too torpid and indifferent to the interests of the city". This was an error. The population of New Orleans consisted of two classes: "first, the large property holders who lived upon the revenues of their estates by inheritance gained by lucky speculation or by long and successful business"; the other class was composed of "toiling, diligent merchants who labored the whole year round, and employed their credit and capital in supporting themselves and adding to the wealth of the community". The merchants had the will but not the means to aid public works. Their capital was absorbed by high rents, high interest and by advances to planters. There were no more enterprising or public spirited merchants in the world than those of New Orleans, but they were taxed and burdened to death and they could not help finance public works. Rather, they must go to those who have the capital to spare, those who profited on the merchants, who while in reality producing nothing, held and enjoyed the wealth of the community. "He was for putting the live coal on the backs of the dormant enterprise and liberality of this class of citizens." It was this class and not the merchants from whom aid for public works must be enlisted.

Further, though he had never appeared before the people in any public capacity, he would on this question take the stump, and he ventured that he would carry the people with him ten to one in favor of this tax.

He referred to the banking situation which had resulted in a banking monopoly under the constitution designed to do away with all banks. The result was that foreign capital was shut out and trade and commerce handicapped for lack of operating capital. He, as a banker, had profited by the system, but at the same time he was opposed to it. He was for unshackled freedom of trade. He did not wish to prosper by the opposite system, which was repulsive to all his feelings and principles. He further stated that because of the expiration of banking charters, Louisiana, while she was crying out for more capital, would in the period of 1849-1853 lose $9,000,000 in banking capital. This defect must be remedied.

He discussed the lack of an external commerce in New Orleans. The ships serving New Orleans were owned elsewhere. They should be home owned and operated. They should exchange the products of the Mississippi Valley for those of other sections and countries needed there. He pleaded with the people to build up an import as well as an export trade. This was necessary if New Orleans was to be the city she ought to be. The situation could be remedied by entering into a program of internal improvements. This present movement he regarded as the commencement of this system. He stated that the Jackson Railroad would mark a new era in the history of New Orleans. Let it be entered into with ardor and energy, and New Orleans would soon attract foreign capital and industry; it would resume its onward march and become one of the greatest cities in the world. He himself enlisted for the campaign. He hoped he might fail in everything else before he failed in this. He would "sink or swim" with the Jackson road. The destiny of New Orleans was inseparably entwined with that of this road.

New Orleans, he said, had need of industry, manufactures, and the like. At present she was a commercial city with solely an export trade. But no city ever grew great by commerce alone. Industry and labor must be cultivated and the mechanical and productive arts encouraged. At present the commercial class of her population was made up chiefly of foreign agents and factors who lived in New Orleans only during the winter in $50 a month

hotels, and with the spring flew off to spend their accumulated capital elsewhere. This, he said, was responsible in a great degree for the depreciated credit of the city. In this connection he related an occurrence of the past summer while he was in London. A banker in that city asked him why with her immense commerce New Orleans did not pay the interest on her public debt. This question caused his cheek "to mantle with the crimson of shame". "Could any citizen", he asked, "have been put through such an inquiry without experiencing like emotions?" He further said: "When our government neglects to pay, banks will fail to pay, merchants will fail, citizens generally will fail, and thus a general demoralization will be produced." To prevent this day from coming to New Orleans every effort must be bent towards saving the city. The South as a whole he believed to be more solvent than the North because of greater resources, but still the credit of the North was better and her enterprise greater. New Orleans and the entire South must be awakened.

Mr. Robb continued, thus:

> It is for these reasons, fellow-citizens, that I support this railroad with all my heart and energy. I shall stand by it as long as I have a cent of means or a particle of strength. I repeat, I will sink or swim with it. Gentlemen, your enthusiasm affords an earnest proof that you are thoroughly aroused to the importance of this subject—that you are really in earnest, and intend to cease not, nor tire, nor falter, until this great, this glorious work is accomplished. Go on, then, gentlemen, for this tax on property. The people of the State are in a good condition to meet it; they have had good crops, good prices, are nearly out of debt, and ought to see that the golden opportunity of securing and establishing their property by railroad improvements is not lost. In the City it is a matter of life and death. If we do not awake to the enterprise of the times, we might as well abandon the city altogether. But I have no forebodings of failure. The spirit of determination flashes from the eyes of all around me. Every countenance expresses the fixed purpose to push forward the good work.
>
> There are other reasons for encouraging and establishing these railroad connections. They prolong our lives; and the great ambition of man is to increase the term allotted to him in this world. When instead of six to eight days, we can go to Nashville in twenty-four hours, we have more time left for other pursuits and duties—we are able to see more, to learn more, and to do more. Then, too, there are the great political benefits of this system, in bringing the people of distant

> portions of our country more closely together—binding them in iron bands of mutual interest, intercourse and friendship. Thus, we shall be able to soften the asperities and prejudices which too often alienate and divide the citizens of our common country. We shall satisfy our distant friends that we are better than prejudice and sectional feeling have represented us. When we know each other better, we shall respect and honor each other more. We shall draw the bigoted fanatic of the North here to convince him that beneath the warm sun of the South, there prevails as noble a philanthropy, as pure a charity, as fervent a patriotism as anywhere else throughout our broad land.
>
> Gentleman, our fate and interest are blended with those of the Great West. We must draw closer the bonds of alliance and interest with this vast, productive and energetic region of country. Ours must be the metropolis to which the eleven millions of this vast empire will send their representatives to procure their supplies and luxuries, and to participate in the pleasures, amusements, and festivities of our city. The freedom of our manners, the gayety of our habits, the absence of court, of cold hypocrisy and bigotry, and the absurd sentiments they inspire, all render this city a more agreeable resort than any other in the country to the people of the West. We have only to increase the facilities of getting here, when the people of the West will look as naturally to New Orleans as the center of the arts, of fashion, and of ideas as the people of France do to Paris.

He then closed with an exhortation for one and all to unite in this great effort and push the railroad through to success.

The contemporary periodicals and newspapers were laudatory in their attitude toward this stimulating address of Mr. Robb. *DeBow's Review* says of it: "The speech of James Robb, Esq., before the convention we regard a document of so much interest and value as to be incapable of any division. We annex it entire."[12] In commenting upon the addresses delivered before the Convention, this same journal says: ". . . and the very able, triumphant, and in many respects, most eloquent speech of James Robb, Esq., who by this single effort, has placed himself very far in the lead of the citizens of New Orleans. From his position, his zeal and his talents, the community have much to expect."[13]

The *Delta* commented as follows on the address:

> There is no better evidence of the strong feeling which has been aroused in behalf of internal improvements in this

[12] *DeBow's Review*, XI, 74.
[13] *Ibid.*, X, 694.

> city than the eager demand which arose for our edition of Mr. Robb's speech in the Railroad Convention. Though we printed a large number of papers we were unable to get one yesterday morning for our own use, for love or money. By special request, and to meet the general demand, we reproduce this speech in this morning's edition.[14]

The *Vicksburg Sentinel* has this comment on Robb's address:

> We do not remember of ever reading an address that encouraged public improvements with more interest, than we have that of Mr. Robb in the late Railroad Convention held in New Orleans. The necessity of improvement—the cause of New Orleans' lack of prosperity—the injury done her by capitalists whose investments are in real estate, and other causes, are so glowing and forcibly portrayed that the blindest of the blind may see and feel them. . . .[15]

The foregoing are only a few samples of the comments made upon this powerful and timely address. Thus, to James Robb, more than to any other one man, can we assign the credit for awakening the people of New Orleans and Louisiana and for stimulating their interest in internal improvements in general and in railroads in particular. The Convention adjourned on Saturday, April 19, after having been in session for four days.[16] In this convention there was greater enthusiasm manifested and more progress made than had ever before been witnessed in New Orleans.

The last resolution which was adopted by the Convention before it adjourned was offered by Alderman George Clark of New Orleans, in these words:

> RESOLVED, That the thanks of this convention are herewith tendered to James Robb, Esq., for the able, impartial, and dignified manner with which he has presided over this body.

Under the leadership of such men as James Robb, Glendy Burke, J. D. B. DeBow, Joshua Baldwin, Judah P. Benjamin, and H. S. Buckner, all of whom were outstanding citizens, the movement for a New Orleans and Jackson Railroad rapidly took shape, and they carried the people with them in the entire undertaking. Editorials were printed by the newspapers openly endorsing the tax on real estate and holding up before the public the example set by such leaders as James Robb, who paid taxes on over $100,000 worth of real estate; H. S. Buckner, who paid taxes on an assess-

[14] *Daily Delta*, April 22, 1851.
[15] *Ibid.*, April 30, 1851, quoting *Vicksburg Sentinel*.
[16] *Daily Picayune*, April 30, 1851.

ment of over $200,000; Judah P. Benjamin, whose property was assessed at $250,000; A. Lesseps, with an estate of $500,000; Peter Conrey, with $150,000; and Glendy Burke, R. W. Montgomery, A. D. Kelly, J. P. Harrison, L. Mathews, Isaac T. Preston and others, all of whom were said to own one hundred dollars worth of real estate for every dollar of capital they possessed. The press cited this as evidence that these leaders in the railroad movement were not attempting to shift the burden of financing the project, but were in reality bearing the greater part of it themselves. The *Delta* said that it was impossible to pick out another group of the same number of men in the city whose holdings would exceed theirs in value. It further stated that these men were public spirited and were working for the good of the people.[17]

The *Delta* thus commented on James Robb's leadership in the new movement:

> Immortal praise and honor to James Robb, himself one of our largest property holders for the bold stand he has taken with the people on this subject! He will be supported. The great mass of our people stand ready to submit to—to enforce any amount of taxation necessary to place our noble city in the front ranks of those communities which, under the influence of the railroad spirit of the age are rushing forward with such gigantic strides in the race of progress, enterprise, wealth and grandeur.[18]

In furtherance of the railroad movement it was pointed out that though taxes might be paid, the tax receipts were exchangeable for stock certificates in the railroad company; and that the tax was not a burden since it resulted in an increase in property values which in every case far exceeded the amount of the tax imposed. Though opposition to the proposed tax developed, the majority of the people seemed to favor it; and at this time there appeared little likelihood of its being rejected at the next session of the Legislature, for the people as never before were backing the railroad projects and were anxious to see them started and completed at the earliest possible date.

The permanent Committee on Ways and Means, of which James Robb was chairman, went to work immediately after the Convention adjourned. On April 21 a notice appeared in the newspapers calling a meeting of this committee.[19] It met on this date in

[17] *Daily Delta*, April 30, 1851.
[18] *Ibid.*, April 19, 1851.
[19] *Ibid.*, April 21, 1851.

the offices of the Southern Mutual Life Insurance Company in New Orleans. Mr. Robb presided and the members again stated their desire to push the work to completion. Sub-committees were appointed to attend to specific details of the work. Judah P. Benjamin was made chairman of a committee which was to prepare articles of association for a company, with the view of opening subscription books. This committee was first to submit its plans to the people and then to the next Legislature for enactment into law. Such was the rapidity with which the leaders of the movement worked.[20]

On April 30 this sub-committee of which Mr. Benjamin was chairman reported through the Permanent Committee. The report was prefaced by a statement from Mr. Robb, in which he asked for an understanding of the difficulties besetting the enterprise and solicited the indulgence of the public and their continued support of the work. The committee report first pointed out the impossibility of undertaking any great program of public works under the Corporation Law of 1848, which limited the capitalization of any corporation to $500,000. Such a work as the one they were sponsoring required greater capital. They recommended amending this act so as not to hinder corporations and internal improvements in the State, and thus correct this defect in the law. They listed in detail the changes in the law which were necessary and which they would present to the Legislature. They also attached a proposed charter for the company, calling for a capital of $2,000,000, and stated that subscription books would be opened and subscribers would be bound only if the changes in the law were made and the charter granted by the Legislature.

In this same report, it was announced that a provisional Board of Directors for the company had been selected by the Permanent Committee on Ways and Means to act for the company, pending the organization and the election of a regular Board of Directors. This provisional Board of Directors was composed of James Robb, L. Mathews, W. H. Garland, Peter Conrey, Jr., Judah P. Benjamin, H. C. Cammack, James A. Gasquet, Isaac T. Preston, J. P. Harrison, W. S. Campbell, Joshua Baldwin, Glendy Burke, A. W. Armstrong, H. S. Buckner and A. D. Kelly.[21]

In line with the foregoing report of the committee, we find that on May 1, 1851, subscription books were opened for the

[20] *Ibid.*, April 22, 1851.
[21] *Ibid.*, April 30, 1851.

railroad which under the proposed charter would be known as the New Orleans, Jackson and Northern Railroad Company. These books were placed in all the important banks, business houses and offices in the city; and in addition they were placed in some of the smaller towns of the state. Some of the places in New Orleans which opened books on the first day were: Banking House of James Robb, Sun Mutual Life Insurance Company, W. H. Garland, Treasurer's Office, Second Municipality, Office of Judah P. Benjamin, Banking House of Peter Conrey, Jr., Joshua Baldwin, Southern Life Insurance Office, Counting House of Buckner and Stanton, and others. There also appeared notices in the newspapers, requesting that all interested in opening subscription books, whether in or out of the city, get in touch with Mr. Robb at the Banking House of James Robb for the purpose of securing books and authority to receive subscriptions.[22]

Subscriptions began to pour in rapidly, and by May 4 it was reported that Mr. Robb's book showed over $70,000 subscribed, which included his personal subscription of $25,000. Several men, such as Maunsel White, H. S. Buckner, Glendy Burke, and Peter Conrey, each subscribed $5000, and numerous others smaller amounts.[23] That the movement was so well under way in so short a time illustrates better than words the energy and sincerity with which this group of men led by James Robb had worked and were working for the success of the New Orleans and Jackson Railroad project.

At this time the *Delta* put forward another argument in favor of the construction of the New Orleans, Jackson and Northern Railroad. The road, they said, would tend to check the regular exodus every summer of residents from New Orleans for Northern summer resorts, in order to escape the heat and also because of the fear of yellow and malarial fever. The railroad would make possible the establishment of summer homes in the highlands of Louisiana and Mississippi, where people might spend the summer season in comfort and safety, "instead of squandering their hard earnings on ungrateful abolitionists of the North".[24]

About this time the name of the proposed railroad underwent a change which illustrates better than any other one thing the position it occupied in public opinion. From the original name

[22] *Ibid.*, May 1, 1851; *Daily Picayune*, May 1, 1851.
[23] *Daily Delta*, May 4, 1851.
[24] *Ibid.*, May 7, 1851.

of the "New Orleans, Jackson and Northern Railroad" it was changed to the "New Orleans, Jackson and *Great* Northern Railroad Company." This change in name resulted from the change in attitude toward the entire railroad project and also from the extent of territory which it was proposed to serve. Originally the plan was only for a road from New Orleans to Jackson, Mississippi, but under the influence of the "railroad fever" which now held New Orleans in its sway plans were discussed for continuing the road on to Tennessee, Kentucky, Ohio, and Illinois. No scheme, it seemed, was too great for the imaginations of the people.

Throughout the succeeding weeks this interest continued to increase. According to the provisional charter, the organization of the company was possible when $300,000 had been subscribed. This sum was reached on May 8, just eight days after the opening of the first subscription books.[25] On May 16, the books, which were to have been open for sixty days, were called in because they were already over-subscribed on the $300,000 needed.[26] On May 18, it was announced that $400,000 had been subscribed, and it was expected that when all the books were in the total sum would exceed this sum by $200,000. Surveyors, it was announced, were being sent out to survey a possible route for the road.[27] The first meeting of the Board of Directors was called for July 7, in Jackson, Mississippi.[28]

From this beginning the affairs of the road progressed rapidly. The organization was completed as far as possible under the circumstances, and during the summer months little real activity was possible. They were one and all awaiting developments in the Legislature which was scheduled to meet in January, 1852. Then, too, as was typical of New Orleans during this period, there occurred the regular exodus of residents to a cooler and more healthful climate for the duration of the summer months.

With the return of the residents in the fall interest soon again arose to fever heat over the election which was scheduled for November, 1851. The Whigs stole a march on the Democrats and came out early in October by formulating a platform which embraced legislation to foster industry, strongly favored a well-regulated system of internal improvements, recommended the holding of a constitutional convention to reform the organic law of the

[25] *Daily Picayune*, May 9, 1851.
[26] *Ibid.*, May 16, 1851.
[27] *Daily Delta*, May 18, 1851.
[28] *Ibid.*, June 21, 1851.

State, which they stated was badly in need of revision; later, they added to this platform, because of James Robb's ardent support of the issue, a recommendation for the consolidation of the three municipalities of New Orleans.[29] In this chapter we are concerned primarily with the provisions calling for a well-regulated system of internal improvements.

As candidates for the State Senate the Whigs nominated James Robb and Judah P. Benjamin, both of whom were avowed advocates of the measures contained in the Whig platform for this election. Benjamin was in Europe during the campaign, and Robb conducted the entire campaign which resulted in a complete victory for themselves and for the issues at stake.

Shortly after the election, the *Delta*, in pointing out the necessity for the construction of the New Orleans, Jackson and Great Northern Railroad, referred to the fact that the wharves of New Orleans were then practically bare, whereas usually at that season of the year they were the scene of great activity. They attributed this situation to the low stage of water prevailing in the upper tributaries of the Mississippi, making navigation impossible, and stated that they feared an early freeze might make it impossible for the people in those regions to get their year's produce out at all. This was cited as showing the necessity for an unfailing means of transportation between New Orleans and the upper country.[30] On November 13, 1851, word was received from Colonel C. S. Tarpley that the subscription books were filling up rapidly in Mississippi.[31]

Early in October, 1851, James Robb was invited by a group of influential citizens of Tennessee to address the Legislature of that State on the subject of "Railroad Improvements".[32] In line with this invitation, the General Council of New Orleans appointed James Robb, G. W. Kendall, and W. P. Atwood as a committee to proceed to Nashville in an effort to secure in that State an act of the Tennessee Legislature reviving the "Old Nashville Railroad Corporation". It was stated at the time that these delegates had much to do if they succeeded in repairing the feelings of the people of Tennessee towards New Orleans and could convince them that that city was now really awake and in earnest on the

[29] See Chapter II of this article for a fuller discussion of this issue.
[30] *Daily Delta*, November 11, 1851.
[31] *Ibid.*, November 13, 1851.
[32] *Daily Picayune*, October 18, 1851.

railroad issue, after having fallen down so completely on the construction of the old New Orleans and Nashville Railroad.[33]

The three delegates left New Orleans for Nashville in the latter part of November, 1851. Shortly after arriving at their destination they posted a letter to Mayor A. D. Crossman of New Orleans regarding the general situation in Nashville, which they described as being one of activity and self-evident prosperity. There was an alertness of the people as if they sensed their future greatness. Nashville, Robb stated, was five hundred and fifty miles from New Orleans, and he estimated the cost of a railroad between the two cities at $8,000,000. He also said, allowing fifty per cent for operation, it would give a net return of twenty per cent, which he termed "a result without parallel in railroad history". He further stated that every courtesy and consideration was being shown the delegates by the people of Nashville, and he believed New Orleans had much to gain by closer association and alliance with the people of Nashville and of the entire State of Tennessee. The charter, he said, was almost certain to be granted, but it was doubtful if the people of Tennessee would aid the road financially.[34]

On the arrival of the New Orleans committee in Nashville, Governor William B. Campbell sent a special message to the Tennessee Legislature notifying that body of the arrival of the committee and its mission. The Legislature responded to this message by immediately extending an invitation to the committee to address the Legislature. Mr. Robb, as chairman of the committee, was selected to deliver the address to the joint session of the Tennessee Legislature. He began by stating his embarrassment at appearing before them after the disinterest which New Orleans had shown to their advances on previous occasions. But New Orleans, he was proud to state, was now awake and was pushing forward a system of internal improvements for the State of Louisiana. It was their wish to extend this system on through Mississippi and on to Tennessee if possible. Such was the nature of their mission. He admitted that the State of Louisiana had held back when she should have fallen in step with progress. He explained that this was because of her foreign population and the carry-over of their traditions and ideas of government. He referred to the proposed changes in the laws which he hoped to see

[33] *Daily Delta*, November 18, 1851.
[34] *Ibid.*, December 27, 1851.

enacted by the next Legislature of Louisiana. He pointed out the benefits which would accrue to Tennessee, as she stood on the frontier so far as industry and manufacturing were concerned. She had a great deal to expect in the way of a market for her manufactured goods as well as for her raw materials of iron and coal. Now was the time for the South to arise and duplicate Northern industry and enterprise. She must overcome her position of dependence, increase her capital, and take her true position in the nation. It was true that New Orleans would benefit from the railroads, but New Orleans was "common ground" and "the brightest and most endearing page in the historical fame of Tennessee was a record of brilliant achievement of persons at New Orleans that had won for them and the nation immortal renown and imperishable honors". In closing he made a plea for Tennessee to respond by aiding in the construction of this proposed railroad, and thus aiding the entire South to move forward to her rightful position in the Union.

This address was referred to by the *Nashville Union* as being "characterized by good taste and very enlarged views on the subject of internal improvements, agriculture and manufacturing, and which we are glad to perceive is awakening a widespread spirit of interest and enthusiasm in all the states of the Southwest." Of Mr. Robb it stated: "His views are bold and patriotic and invite the serious consideration of our Representatives". Commenting editorially on this address, which it printed in extenso, the *Delta* said:

> We commend it to the perusal of our readers, as an able and instructive address,—full of excellent ideas and replete with a spirit of patriotic devotion to the interests of our City, which should increase, if possible, the esteem entertained by our whole people for this most useful and excellent citizen.[35]

After listening to this able discussion on the subject of railroads by James Robb, the Tennessee Legislature within a few days speedily granted a charter for the railroad and voted to bear the cost of construction of that portion of the road which would run within her borders. Thus, the fondest hopes of the New Orleans committee were more than realized; for, not only was the desired charter granted, but in addition the action taken insured the completion of the road across Tennessee when it had progressed that far. It was planned to extend the road from Mississippi to Nashville and then on to Louisville, and possibly into

[35] *Ibid.*, December 18, 1851.

Virginia. All that remained was for Louisiana to begin and complete her portion of the road, thus proving her sincerity in the matter, and the other states would do their share.[36] The success of this mission was undoubtedly due to James Robb, and the able and forceful manner in which he addressed the Legislature of Tennessee; and thus the people of New Orleans and Louisiana owed him a debt of gratitude for the able and successful manner in which he had carried the mission through to completion.

In June, 1851, an attempt had been made to hold another railroad convention in New Orleans, but it was so poorly attended that plans were made to hold another such convention in January, 1852. Shortly after Robb's return from Tennessee, a joint meeting of the Internal Improvements Committee of the three municipalities, the Executive Committee of the Opelousas Railroad, and the Permanent Committee on Ways and Means for the New Orleans, Jackson and Great Northern Railroad was held in New Orleans. Plans had been in the making for some time for this January Railroad Convention, and at this meeting further arrangements were made. A plan of organization for the Convention was adopted, and a committee of twenty-five on arrangements was appointed.[37]

This general committee met on December 22, 1851, and on motion of Mr. Robb elected Joshua Baldwin president. The plans for the forthcoming convention were further discussed, and Mr. Robb moved that a committee of three be appointed to act for the entire committee in making arrangements for the Convention; and James Robb, Glendy Burke and W. H. Garland were appointed to constitute such a committee.[38] Thus, to these three leading citizens fell the responsibility of advertising, notifying, and preparing a place in New Orleans for holding this great railroad convention which was being widely heralded throughout the entire Southwest.

Of the purposes and objectives of this railroad convention, the *Bee* said:

> The object of this convention is far from being local—it is to further and advance the commercial interests of the section it will represent, by a general and comprehensive system of railroad intercommunication; a system that is not intended to bolster up one portion of the Southwest at the expense of another, or to build up local prosperity to the detriment of whole communities.[39]

[36] *Ibid.*, December 16, 18, 1851.
[37] *Ibid.*, December 17, 1851.
[38] *Ibid.*, December 23, 1851.
[39] Quoted in *Daily Delta*, December 20, 1851.

As the year 1851 drew to a close we find New Orleans really on the threshold of a new era for both the city and the state. A remarkable change had taken place in the minds and attitudes of the people toward railroads and internal improvements in general. Whereas but a short time before there had been registered almost complete indifference, there was now manifest a spirit of enterprise and an eagerness to work and co-operate in this great proposed system of railroads. This change, the awakening of the people of the entire state, may in large measure be credited to the sincerity, purposefulness and unceasing effort of a group of public spirited men who were waging the fight for progress; and at their head, as their inspiring leader, was James Robb.

Chapter IV

Development of the New Orleans, Jackson, and Great Northern Railroad, 1852-1860

From previous indications the year 1852 promised to be an eventful one so far as railroad activity in New Orleans was concerned. James Robb continued to play his role as the torchbearer for internal improvements. To him fell the duty of creating and sustaining public interest in railroads in general, and at the same time directing the affairs of the embryo New Orleans, Jackson and Great Northern Railroad Company.

On January 2, 1852, the first railroad convention of that year was held in New Orleans. This was the New Orleans and Opelousas Railroad Convention. Maunsel White was elected president of this convention, which concerned itself only with the fostering of this one railroad project. James Robb, interested as he was in railroads, naturally attended this convention, even though he was not financially interested in this company. He was interested in seeing this railroad supported, and on several occasions he boosted it greatly. He later included the New Orleans and Opelousas Railroad Company as a participant in all aid received from the City and State for railroad purposes. This generosity, more than any other thing, shows that his interests were not selfish, but were motivated by his desire to serve the public. During this convention, at the session held on January 3, 1852, Mr. Robb was seen to be present, and at once the delegates set up a cry for "Robb", which put a stop to all further proceedings until he had addressed the convention. He stated that he was unprepared to

make a speech, but that it was a cheering sight to witness the railroad spirit exhibited by the delegates. He further stated that all who favored railroads were put in a humiliating position, for mere financial means could not insure the undertakings until certain reforms were made in the laws of the State. He did not believe that these reforms were party measures, or that they should be considered as such, but rather as being reforms necessary for the progress and development of the State. It was not a question of bettering the investors financially, but one of upbuilding the entire State; as such it should be considered, and one and all should strive to see that the Legislature enacted laws favoring such a policy. This speech was applauded long and loudly, for it expressed completely the attitude of Mr. Robb and the public in general on the question as to how best to foster a railroad program in the State of Louisiana. After sitting for two days, this convention adjourned on January 3, 1852.[1]

Even while the Opelousas Railroad Convention was in session, plans were going forward for the great and widely heralded Southern and Western Railroad Convention which was to assemble on Monday, January 5, 1852. As a member of the Committee on Arrangements, Mr. Robb had been exceedingly busy. On the appointed day, over six hunderd delegates from eleven states were present, and this number increased to over eight hundred before final adjournment of the Convention. Colonel C. S. Tarpley of Mississippi was chosen president pro tem., and a committee of two members from each of the states represented was appointed to act as a Committee on Organization and to nominate officers for the Convention. James Robb was selected as chairman of this committee and he submitted its report to the Convention. On the basis of this Committee's report, Ex-Governor Alexander Mouton of Louisiana was elected President of the Convention, and a number of other distinguished men were elected to serve as Vice-Presidents and Secretaries.

As soon as the work of organization was completed, Mr. Robb moved that three committees be appointed: One on Routes, one on Ways and Means, and one on Resolutions. He explained that the purpose of this arrangement was to facilitate matters instead of taking up time in the general sessions in discussing every route, proposed road, resolution, etc.; let propositions be submitted to the proper committee which would report back to the Convention

[1] *Daily Delta*, January 2, 3, 4, 1852.

only the best routes, roads, etc. This was clearly in line with his policy of expediting matters and of getting as quickly as possible to the root of all issues. The resolution was adopted by the Convention, and Mr. Robb was appointed a member of the Committee of Ways and Means, which selected him as its chairman. As chairman of this important committee, he read the following report to the Convention:

Report of the Committee on Ways and Means of the Southern and Western Railroad Convention
James Robb, Chairman

RESOLVED, That the great system of international communication by railroads through the Southern and Southwestern States, is an object of such importance as to justify and require a liberal application of the states interested in these works.

RESOLVED, That the voluntary subscriptions of private individuals are inadequate to the accomplishment of works of such magnitude.

RESOLVED, That Public Lands in the Western and Southwestern States of this union ought to be liberally apportioned to the objects now proposed; and that the appropriation ought to be made by general law, applicable within proper restrictions, to all the railroad enterprises in which the people of the West and Southwest are interested.

RESOLVED, That the great additional value given to Public Lands by railroads passing through their neighborhood, and the augmented revenues derived by the Government from the increased population and wealth which result directly from such works, render it peculiarly proper and equitable that the General Government which shares in its benefits should contribute by grants of land to the cost of such works.

RESOLVED, That it is the right of the people, whenever they may deem it proper, to subscribe through the municipal and parochial corporations for the stock of railroads calculated to advance their interests; and that the Legislatures of the different states ought by law to authorize their cities, parishes and counties to make such subscriptions when desired by the respective inhabitants.

RESOLVED, That the resources for the payment of such subscriptions, when made, ought to be derived from taxes levied on landed property, inasmuch as this species of property is more than any other benefited and enhanced in value by works of internal improvements.

RESOLVED, That whenever subscriptions are made by cities, counties, or parishes, it is inexpedient that the administration of the stock thus subscribed should remain under the control of the local authorities, and that it ought to be distributed amongst those whose property has been taxed for its payment, in proportion to the amount paid by each; to the end that each individual may be stimulated by personal interest, to a vigilant supervision of the conduct of the work.

RESOLVED, That a committee of three be appointed by the Chair, to address to the Congress of the United States and to the Legislatures of the separate states, memorials in support of the principles contained in these resolutions.

These resolutions were by far the strongest and most out-and-out statements in favor of taxing real estate for purposes of internal improvements which had thus far emanated from any such convention in the South. James Robb's endorsement of this issue and his position as chairman of this committee may to a large degree explain the position taken by the Convention in adopting these resolutions. Mr. Robb was appointed, with C. S. Tarpley of Mississippi and A. Fowler of Arkansas, to constitute a committee of three to memorialize Congress and the State Legislatures, as called for in these resolutions.

The Convention sat for five days. It was by far the most widely attended convention of the time and the largest ever held for such a purpose in the far South. It was not merely local in the scope of its discussions as previous conventions had been, but it discussed means and plans for a system of railroads which would develop and stimulate industry and agriculture in all of the Southern states. This Convention adjourned on Friday, January 9, 1852, after a very successful and profitable week of deliberation on the railroad situation in the South, and everywhere the people expected to reap great benefits from its deliberations. As in the previous conventions of this kind, Mr. Robb occupied a position of prominence. He was rapidly gaining fame and was hailed throughout the entire South as a leading exponent and booster of internal improvements.

One of the features of the Convention proved to be the address delivered by Mr. Robb on what he termed the "Condition and Prospects of New Orleans and What She Must do for Railroads." He began by explaining his position in New Orleans. His rapid rise during the fourteen years he had been in New Orleans made him feel that he was under an obligation to the city to do all

within his power to further her interests. Railroads he considered essential; thus he was devoting his time to them in an attempt to see New Orleans become the city she might and could be. He reviewed the causes of the decline of the city and stated that remedies had been proposed to correct them. He agreed with those views. Railroads he thought would be the remaking of New Orleans. He said that two great lines were proposed: The "Jackson and Great Northern" and the "Opelousas and Great Western". Each of these promised to be a very profitable line, and he personally was back of each of these roads, heart and soul.

He next launched into an argument in favor of State support through a real estate tax. He cited facts and figures to back up his contention that the increase in property valuation would more than take care of the amount of the tax, in addition to giving them a railroad which would continue to serve and enrich them. New Orleans was not without capital; it was only that poor governmental machinery had handicapped its usage and the people had grown lax and were not sufficiently aroused to the peril and ruin which was facing them. He proposed using the lands of all as security with which to obtain actual capital for public enterprises, such as railroads and the like.

The good effects of railroads were well known by all. Knowing this, he closed with a plea for the delegates to go forth as prophets for railroads, to awaken the people to activity so that a new day would dawn for New Orleans and the entire South.[2]

In commenting upon this address of James Robb, the *Delta* said: "Though not an orator in the conventional sense of the term, Mr. Robb is a thoroughly practical and effective speaker. . . . He possesses abundant intellectual resources, great force of character, and an overwhelming energy of will that is electric in its influence." The speech itself was said to have been a "plain, sensible and sincere discussion—scarcely adorned with a rhetorical trope and wholly unaided by the artificial gloss of declamation."[3]

Later, in referring to this address and to the work of James Robb, the same organ said:

> It contains a vast amount of valuable facts and ideas, bearing upon the present circumstances of our city, the cause of non-progress, and the means by which New Orleans may

[2] "Proceedings of the Southern and Western Railroad Convention in New Orleans", in *DeBow's Review*, XII, 305-332, 543-551; *Daily Delta*, January 5, 6, 7, 8, 9, 10, 1852.

[3] *Daily Delta*, January 10, 1852.

be once more placed on the track which conducts to unbounded prosperity and wealth. Mr. Robb has penetrated the true sources of the embarrassments of our city, and has laid them bare with a skill and vigor which must awaken the astonishment of all who are conversant with the speaker's life and habits. Exclusively confined for the last fourteen years to his Banking Room, Mr. Robb has had but little chance to cultivate the graces of style and the rules of oratory. But he has during that time been a close observer, a deep thinker, and an ardent student of that department of knowledge to which his business and pursuit in life pertained. He has consequently attained a knowledge of his subject possessed by few, if any, of our citizens.

When a man thinks strongly, he finds but little difficulty in conveying his ideas; and hence, Mr. Robb's style will compare favorably in clearness, force and effectiveness, with the efforts of practical speakers. . . . The position of Mr. Robb, who stands before our people entirely disconnected from all political parties and schemes—with no purpose of self or ambition to gratify save those in which all our citizens participate, and who exhibits such intelligence and sagacity, and experience that have in the course of fourteen years elevated him from a moneyless and friendless adventurer to one of control and great influence in this great commercial city, and in the Southwest, should commend his views to the careful consideration of everyone who feels interested in the welfare of the city and of our section of the Union. . . .[4]

Even after the Railroad Convention adjourned, there was little rest for James Robb, since the Louisiana Legislature met in Baton Rouge on January 19, 1852. Robb and Benjamin had been elected to the State Senate from New Orleans, and they repaired thither to further wage their battle for internal improvements. Some of their many accomplishments in this session of the Legislature have already been noted, but one of their most important accomplishments has been reserved for fuller discussion here. This was the enactment of a law authorizing municipal and parochial corporations to subscribe stock in railroad companies and to pay for this stock by means of a real estate tax, when approved by a majority vote of the citizens of such corporation.[5] Thus, there was accomplished by the almost single-handed fight of James Robb the one issue which he had from the first advocated and fought for on all occasions when it was attacked. This victory meant that the railroad program in the State of Louisiana could proceed safely and

[4] *Ibid.*, January 15, 1852.
[5] *Laws of Louisiana*, 1852, No. 175, pp. 128-129.

securely in the knowledge that the undertaking would not fail for lack of capital. It further placed the people of Louisiana alongside of those of New York, Massachusetts, Kentucky and Ohio, as being heartily back of a system of internal improvements, and placed Louisiana far ahead of her sister states of the South in this respect. Further, by this act new respect for Louisiana was gained in every other state in the Union as well as in European financial circles.

In this same session of the Legislature the Corporation Act of 1848, which limited the capital stock of corporations to $500,000, was so amended as to permit unlimited capitalization, and in line with this change charters were granted to the "New Orleans, Jackson, and Great Northern Railroad" and the "New Orleans, Opelousas, and Great Western Railroad" companies. Thus at last the Legislative battle for internal improvements was won. Railroads were put on a firm basis, with assurance of public support. Truly a new era had dawned for Louisiana, and the part played by James Robb in bringing about this transformation cannot be minimized, for he stood before the public as the leader of the entire program. Whether the change would have come anyway, we cannot say, but in all events it would not have come so soon; and thus one man, James Robb, had changed the political and economic history of the entire state.

The charter for the New Orleans, Jackson and Great Northern Railroad called for an immediate organization of the Company, and on Monday, April 19, 1852, an election was held for naming a Board of Directors. If any final proof is needed of the high position of esteem with which the people regarded Mr. Robb, it may be found in the fact that he received more votes than any other director. Thus, he was stamped by the people as being their leader in the enterprise. The Board of Directors elected at this time consisted of James Robb, A. D. Kelly, Judah P. Benjamin, J. P. Harrison, Isadore Labatut, W. S. Campbell, John Slidell, W. P. Converse, E. W. Moise, Emile LaSere, H. S. Buckner, and Charles Pride, all prominent Louisianians of the time.[6]

Shortly afterward this Board of Directors met and elected James Robb as the first president of the New Orleans, Jackson and Great Northern Railroad.[7] Under his leadership public confidence in the success of the road was strengthened and the affairs

[6] *Daily Delta*, April 20, 1852.
[7] *Ibid.*, June 18, 1852.

of the Company progressed rapidly. On Monday, June 21, an election was held in New Orleans, under the recent act of the Legislature, to ascertain whether they favored taxing themselves to aid railroads. The two railroads under consideration were the "New Orleans, Jackson and Great Northern" and the "New Orleans, Opelousas and Great Western". The result was a complete victory for railroad enterprises and those connected with them.

The issue placed before the electorate of New Orleans was a proposal to aid these two railroads to the extent of $3,000,000, two millions to the Great Northern and one million to the Opelousas road. The rate of taxation was to be three per cent, payable by the property holders in installments of one-half per cent per annum over a period of six years. The proposition to aid each of the railroads was voted on separately, and the results showed for the Great Northern 2954 favoring and 503 opposed, or a favorable majority of 2451 votes. The result of the vote on the Opelousas road was 2938 favoring and 490 opposed, giving the proposal a majority of 2448 votes.[8] Thus the railroad proponents had won a sweeping victory and the people of New Orleans had put their stamp of approval on both roads. After this endorsement by New Orleans, other towns of Louisiana along the rights-of-way began to hold elections and to subscribe stock. Mississippi towns also took hold of the movement, and Kosciusko, in that state, led the way in showing the smaller cities what they could do, by voting to subscribe to $500,000 of the stock in the Great Northern company.[9]

In March, 1852, Mr. Robb went to Jackson, where the Mississippi Legislature was in session, and addressed that body. On this occasion he asked for a charter for a railroad from New Orleans to Nashville and for an unrestricted right-of-way for this road through Mississippi. He spoke of the plans for the road and the benefits which would be derived from its construction, and he further stated that he was not asking the Legislature for a single dollar in aid of the project. British capitalists, he explained, were ready and anxious to finance the road once it was under way, and they would see it through to completion. The Legislature responded to his request and very soon afterward granted the charter and right-of-way for the road through Mississippi.[10] At

[8] *Ibid.*, June 22, 1852; *Weekly Delta*, June 19, 1853.
[9] *Daily Delta*, August 13, 27, 1852, quoting *Kosciusko Southern Sun*.
[10] *Ibid.*, March 11, 1852.

about the same time word was received in New Orleans that the charter, which had been the object of Mr. Robb's earlier visit to Tennessee, had received the approval of the Legislature of that state and was very liberal in its provisions.[11]

After about this time the Jackson railroad project became more and more a one-man affair. The interest of the other leaders in the movement lagged at times, but James Robb continued to give unstintingly of his time and energy to the service of the road. Early in June, 1852, he planned to spend his entire summer in canvassing Louisiana and Mississippi and in addressing the people so as to arouse them to still greater enterprise in backing the road. He hoped to consolidate all the small railroads in Mississippi, which were either proposed or already under construction, with the New Orleans, Jackson and Great Northern, and thus to establish in the South a gigantic railroad corporation without an equal elsewhere in the world. He hoped by thus securing the consolidation of these railroads, to secure their capital, and the funds thus added would make possible construction all along the line and greatly speed up the work, thus hastening completion of the project, with its benefits.[12] From this scheme it is apparent that his vision was greater than that of most people of his time, for he saw the benefits to be derived from a single large corporation with a definite system of trunk lines, whereas most people of the time could not see beyond the small local lines which they were sponsoring.

Mr. Robb attended the Railroad Convention held in Aberdeen, Mississippi, on July 1 and 2, 1852, and enroute stopped over in Jackson. At that time the *Jackson Star* said: "He has returned to us, fully prepared to redeem the noble pledges given last winter and richly deserves a civic crown and triumphal procession worthy of a conqueror". It further stated that he had consented to address the people of Jackson and vicinity on July 16, and they hoped that arrangements would be made which he as a "noble and patriotic citizen" deserved.[13]

By this time James Robb's fame was spreading far and wide. In a letter from New York by "Rover", a *Delta* correspondent, it was stated that England was beginning to take an interest in American Railroad Bonds, and that:

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[11] *Ibid.*, March 12, 1852.
[12] *Ibid.*, June 26, 1852.
[13] *Ibid.*, July 4, 1852, quoting *Jackson* (Mississippi) *Star*.

> I am satisfied that the bonds of the great New Orleans and Northern Railroad will not be placed on the footing of second and third class securities; as to the stock, I have wondered books have not been opened in this city (New York) for subscriptions. A decided inquiry in relation to this road, and the time which it will take to build it, is now being made; and I should not be surprised to see a rush made by Northern capitalists to get control of the stock. No one here doubts but that it will be one of the best paying roads in the country. Besides, they have every confidence in the ability of Mr. James Robb to carry through this great enterprise to a successful issue—who, fortunately, has been selected by your Directors as President of the Road.[14]

As further evidence of the attitude with which the North was viewing this railroad project, we quote the following from Giraffe's "Commercial Letter" in the *Delta*:

> Every day shows the increased value of railroad stocks, and as a permanent investment even at present rates it is the safest. The man who can control and keep in possession $100,000 in stock in the New Orleans, Jackson, and Great Northern Railroad for the space of five years after it is finished can hardly calculate his wealth. It is now generally conceded that it will be one of the best paying stocks in the Union.[15]

After the Aberdeen Convention, Mr. Robb had to return to New Orleans to attend to pressing personal business, but as soon as this was attended to he again left for Mississippi to continue his campaign for railroads. In commenting upon his work in this connection, the *Delta* said:

> . . . in short, employing himself most zealously in every way in which there is a prospect of promoting the success of this great enterprise, in forwarding the work. Such labors gratuitously rendered, by a gentleman situated as Mr. Robb is, can never be too highly appreciated, or too warmly remembered.[16]

Once again in Mississippi, Mr. Robb continued his work tirelessly and rallied the people as never before to the cause of railroads. However, while in the midst of this campaign he became ill with congestive fever and had to return to New Orleans for treatment. He was seriously ill for some time, and then as soon as he was able to travel he proceeded, under the orders of

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[14] *Ibid.*, July 9, 1852.
[15] *Ibid.*, July 22, 1852.
[16] *Ibid.*, July 16, 1852.

his physician, to the North to recuperate. This necessitated the abandonment of his future plans to stump Mississippi in behalf of the railroad.[17]

This unfortunate illness put an end to Mr. Robb's activities in behalf of the Jackson road until 1853. However, plans which he had formulated were carried out and bids for clearing the right-of-way were called for in July, 1852, and in the fall of that year actual work had been started on the road.[18]

At this time a writer in the *St. Louis Republican* advocated a railroad from New Orleans to that city, and spoke in complimentary terms of the progress New Orleans was making in regard to the railroad development. Referring to the New Orleans, Jackson and Great Northern project, he said:

> This road may now be considered as under fair headway—charter is granted, the stock for the most part taken, and the surveys being made. As an earnest proof of the early completion of this road, it is only necessary to advert to the fact that Mr. James Robb stands as its head—a gentleman whose daring enterprise has been so signally displayed in the late railroad campaigns of the great Southwest and whose broad and liberal views upon the subject of internal improvement have won for him no unenviable reputation among the Railroad Champions of the present day.[19]

James Robb, single-handed, had so signally pushed this road that in the latter part of 1852 we find the supreme compliment being paid him for his railroad activity. The part of the New Orleans, Jackson and Great Northern railroad in Mississippi was already under construction, and there the road had lost its official title and was generally known and commonly called by the name of "Robb's Road".[20] Thus did the people of Mississippi do honor to this pioneer builder of railroads in the South.

In January, 1853, Mr. Robb again assumed his duties as President of the company and continued as before to press the issue of railroads. The *Chattanooga Advertiser,* in speaking of the Great Northern Railroad, remarked on the rapidity with which it had been organized and the work of actual construction begun, and stated that the benefits it would bring were self-evident. In speaking of Mr. Robb, this newspaper said: "Mr. Robb, the

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[17] *Ibid.*, July 29, 1852.
[18] *Daily Delta*, July 21, August 12, 28, 1852.
[19] *Ibid.*, September 17, 1852, quoting St. Louis Republican.
[20] *Ibid.*, September 10, 1852.

eminent New Orleans banker is President of this Road, and his characteristic energy and financial ability will be brought to bear in furthering the interest and success of the company".[21]

About this same time notice was taken in New Orleans that since the passage of the railroad tax, within less than a year's time, property values had gone up twenty per cent.[22] This proved that Mr. Robb's argument in support of the tax had been sound and that already the people were receiving a benefit from it. On April 17, 1853, the *Delta* printed an open letter from James Robb to Colonel L. G. DeRussey, in which he set forth a strong argument for state support for railroads. He stated that the state's wealth was represented by the amount of the property assessment in the state. Thus, if a state by aiding railroads increased her assessment, she not only reaped a financial benefit but increased her capital as well. Furthermore, railroads would open up public lands to settlement, and by their increased value the state would make millions.[23] This letter was undoubtedly written for the purpose of placing this argument before the Legislature and the people of Louisiana, for at the time it was published a bill proposing state aid in the way of subscriptions to railroads was pending in the State Legislature. This bill was enacted into law, and as a result the state subscribed for 64,000 shares of stock in the New Orleans, Jackson and Great Northern Railroad, which represented an investment of $1,600,000 in the Company by the State.[24]

Progress on the road continued, but because of the heavy expenditures for construction the finances were running low, and by the summer of 1853 steps had to be taken to secure more money. The tax ordinance in New Orleans had been changed during Mr. Robb's absence in 1852, and the initial payment from this source was postponed from 1852 to May, 1853. Thus, while supposedly receiving aid, the railroad had not as yet received one cent from either the State or the City, and only about $350,000 would be due from New Orleans in 1853. Moreover, the plan had been changed from one calling for complete payment of the $2,000,000 within a period of four years ending in 1855 to one extending the payments over a six-year period ending in 1859. This situation necessitated the borrowing of money by the company, in order to continue the work already in progress. James Robb and John

[21] *Weekly Delta*, February 28, 1853, quoting *Chattanooga Advertiser*.
[22] *Ibid.*, March 22, 1853.
[23] *Ibid.*, April 17, 1853.
[24] *Ibid.*, May 8, June 19, 1853, ("First Annual Report of the Jackson Railroad.")

Slidell were accordingly commissioned by the Company to negotiate a mortgage loan, which they succeeded in placing in London, though at a price considerably below the par value of the bonds thus floated. The reason assigned for this low price being placed on these bonds was that a war had broken out in Europe, and consequently the money market was upset, as capitalists were under the circumstances reluctant to turn loose their capital. However, while an immediate loan could not be contracted, they left the bonds in London with the assurance that a $3,000,000 loan to the Company would be made on them as soon as one hundred miles of the railroad had been completed. When the news of the disposal of the bonds reached New Orleans the reaction was varied. Some immediately accused Robb and Slidell of scheming to place a sub-par figure on the bonds so as to enrich themselves, while others considered their mission well done. Some even deemed it a complete failure. However, as the truth concerning the upset financial conditions in England became more generally known, the people realized that an injustice had been done Robb and Slidell in accusing them of being motivated by selfish interests. Robb did not undertake to defend himself against the unjust accusation, but Slidell did. He wrote letters explaining the entire transaction, and reiterated the complete absence of any desire except to place the bonds in the best position possible under the circumstances. The *Delta* came to their aid in the matter, and on several occasions lauded them for their success and their noble, unselfish efforts.[25]

With State aid assured, work on the road continued, and in the fall of 1853 three locomotives were purchased. It was expected that the road would be completed to Jackson during 1854 and that section from Jackson to Canton, which was twenty-three miles beyond Jackson, shortly afterwards. This would give the company 206 miles of completed road, and then provision could be made to continue the line north of Canton, Mississippi.[26] In this connection it was said:

> Everything that can depend upon the ability, the zeal, and the efficiency of the President has fortunately been found in Mr. Robb. His services have been invaluable and cannot be too much commended. In his hands the enterprise can not fail to be carried forward to its results with the greatest rapidity, skill, and fidelity.[27]

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[25] *Daily Crescent*, September 21, 1852; *Report of James Robb, President of the New Orleans, Jackson, and Great Northern Railroad Company for 1854; Weekly Delta*, September 25, 1852.

[26] *Daily Crescent*, December 7, 1853.

[27] *Ibid.*, December 1, 1853.

Early in 1854 plans were submitted by Mr. Robb, whereby New Orleans would issue its own bonds to the Railroad Company and redeem them with the revenue accruing from the railroad tax as it was paid into the city treasury. This arrangement would not work any hardship on the city, and at the same time it would give the Company tangible security with which to negotiate loans. It would mean that funds to continue the work could be readily secured and thus hasten the day of completion of the road. The Legislature co-operated to the extent of authorizing this plan, provided the citizens would tax themselves to pay the interest on the proposed bonds. The election on this last issue was set for April, 1854, and immediately after the passage of this act the friends of the Railroad went to work in an effort to carry the issue at the polls. The bonds proposed were to run for twenty years and would mean the postponement of the one-half per cent levy in May, 1854, for in the event the issue carried at the election, only the interest for one year would have to be paid at that time. This was a strong point with the property holders. Meetings were held in support of the proposal, and public sentiment was created in favor of the issue in every conceivable way. On April 17 a meeting of this nature was held at the St. Charles Theatre for the stated purpose of enlightening the friends of the New Orleans, Jackson and Great Northern Railroad. On this occasion the theatre was jammed, and especially noticeable was the fact that the commercial and business men of the city were present. A number of prominent men addressed the assembly, explaining the issues at stake. James Robb opened the proceedings by being the first to address the meeting. He explained the troubles which had beset the road and the proposed remedy, in which on this occasion he was asking their help. The *Delta* made the following comment upon his address:

> If we were not afraid of falling into superlatives of praise, we would allude to it as a mere intellectual effort, but in despite of its rapid array of statistics, its artistic arrangement of the details, its bold generalizations, and occasional glimpses of political foresight which were visible throughout the progress of its argument, we must turn to the practical question for a moment and forget the attractions of the orator.
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> . . . On the whole, the meeting was thoroughly satisfactory, while Mr. Robb's speech was worthy of his reputation as a financier, a statist, an orator, and a public spirited citizen. The effect produced, we venture will not easily die out.[28]

[28] *Daily Delta*, April 16, 18, 1854.

As a result of this activity of the supporters of the new issue, it was carried by a majority of six to one at the polls; and thus again the people had agreed wholeheartedly to follow James Robb in whatever he said was for the best interests of the road. Everywhere in New Orleans his friends congratulated him, and his able efforts were acknowledged as being responsible for the success of the issue. The railroad was expected to benefit greatly from this new aid.[29]

An interesting sidelight on the railroad interest at this time was the writing of a musical production called the "Great Northern Railroad Waltz", which was offered for sale in New Orleans. It was described as being a "parlor excursion on the great railroad."[30] Such incidents as this undoubtedly served as constant reminders to keep the people interested in the railroad.

On April 27, 1854, the Board of Directors of the New Orleans, Jackson and Great Northern Railroad met in New Orleans. The results of the recent election for directors was read and the new members of the Board took their seats. The first business attended to by the new Board was the election of a president, and Mr. Robb, who had been re-elected to the Board, was chosen President of that body by acclamation. However, he declined the honor and tendered to the board his signed letter of resignation, which was placed in the minutes. It follows:

> To the Directors of the New Orleans, Jackson, and Great Northern Railroad Co.:
>
> Gentlemen: The duties devolving on the office of President of your Company are now so considerable that I find it quite impossible to discharge them in a manner satisfactory to myself, and consistent with the interests of the Company, without an exclusive devotion of my time, which could only be given at the sacrifice of important private interests, which have been long and injuriously neglected. I therefore, respectfully decline the honor of reelection, and in doing so, beg leave to remark that my own experience, since called upon to preside over the affairs of this company, suggests that sound judgment, professional training, and great practical knowledge, are the requisites now most required in the direction of its affairs.
>
> In declining the honor of reelection, I do not propose to separate my connection with you as a director, nor shall any service, or cooperation I can give, be less zealously extended,

[29] *Ibid.*, April 23, 1854.
[30] *Ibid.*, April 28, 1854.

or my efforts abated in urging forward the prosecution of the works of the Company, which I now regard as secured in its fortunes beyond the most remote contingency.

With assurances of my great regard,

I am respectfully,

James Robb.

This resignation was accepted, and then the Board adopted the following resolutions:

RESOLVED, That this board accept, with sincere regret, the resignation of James Robb, Esq., as President of the Company.

RESOLVED, That the zeal and ability displayed by Mr. Robb in the discharge of the important and arduous duties of that office from the organization of the company to the present time are duly recognized and appreciated; and that the thanks of the Board be and are hereby tendered to him as a mark of their deep sense of the obligations under which he has placed the Company, by the extraordinary services he has rendered, and the great sacrifice he has made in its behalf.

Mr. Robb then nominated Colonel William S. Campbell, who was unanimously elected President of the Company.[31]

In an account of these proceedings the *Delta* stated that it was with regret that they saw Mr. Robb decline the office. And of his work as President of the Company, it said:

Of the New Orleans railroad enterprise, Mr. Robb may be considered the parent. He has not only created it, but trained it into working order. From the date of the great South-Western Convention, held in the Municipal Hall, some years ago, to the present time he has been indefatigable in his efforts to awaken public attention to the necessity of railroads and to facilitate their construction in our State. Always sanguine, earnest, energetic, shrinking from no labor, and shunning no responsibility, his fine and versatile talent has been studiously devoted to the cause of internal improvements, and he may be assured that at the close of his Presidency, he retires with the respect and good wishes, not only of his intimate associates in the direction of the Jackson road, but of the public at large. We can suggest, however, no better testimonial to his merit, than the rapid completion of the work to which he has given so much time, talent and attention.[32]

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[31] *Ibid.*

[32] *Ibid.*, April 29, 1854.

Though no longer President of the Company, Mr. Robb remained on its Board of Directors and continued to work for the interests of the road. However, the greater part of his attention was concentrated on his own personal banking and business interests. During the summer of 1854 the railroad began to run excursions, so as to show the people the progress being made as well as to keep alive their interest in the work.[33]

In December, 1854, such an excursion was run in honor of Governor Paul O. Hebert of Louisiana. It went as far as Osyka, Mississippi, which was then the temporary terminus of the road. At two o'clock a dinner was served there in the hotel in honor of Governor Hebert. On this occasion the Governor promised that all the funds over and above those needed for a very economical budget for the State would be diverted to railroads and the upbuilding of Louisiana. Mr. Robb was among those present and was toasted as the first President of the road. He responded to the toast with a brief acknowledgment, which it was said "electrified all present by its bold and sanguine views, and earnest and confident spirit with which he contemplated the future results of railroad enterprises in our State".

Railroading in the early days was not without its thrills and dangers. On the return trip to New Orleans the locomotive hit a cow, which accident resulted in the derailing of the engine and tender and greatly delayed the arrival in New Orleans. However, such mishaps as these were lightly regarded and lost sight of in the greater vision with which railroading was being viewed at that time.[34]

Early in 1855 plans were formulated by a clique, composed of wealthy business men and large property holders of New Orleans, who hoped to secure control of the New Orleans, Jackson and Great Northern Railroad. They were envious of the prominence of those who, led by James Robb, had been directing the affairs of the Company so efficiently; and they felt slighted because they had been given no real voice in the operation of the Company in spite of the fact that they were large stockholders. Robb's activities in behalf of the road had by this time practically ceased, and using him as a pawn they carefully set the stage for the election of directors in April, 1855. The schemers placed Robb's name on their ticket in order to make it appear to the people that this

[33] *Ibid.*, June 10, 1854.
[34] *Ibid.*, December 14, 1854.

group was back of Mr. Robb, when in reality quite the opposite was true. His name was also placed on the ticket of the old friends of the Company; but the schemers had done their work so well that they were successful in securing their election and ousting the men who had been connected with the enterprise since its inception. Once secure in their position, the new group showed their true colors and the purposes for which they had desired election to the Board of Directors. They elected John Calhoun as President, and launched the Company into a conservative policy. Little progress was planned and the work on the road came to a virtual standstill. Under the new control the road tended to descend to the same level occupied by countless small local roads. Expansion appeared to be a word unknown to them.

The *Delta* bitterly assailed the new Board for this policy and for using James Robb's name so as to deceive the stockholders and secure their own election. Mr. Robb from the first saw that he constituted a minority of one on this new Directory, and because of this situation he tendered his resignation as a member of the Board of Directors on April 20, 1855, thus ending his active connection with the Company which he more than any other man had fostered and built up from its inception. On the occasion of his resignation, the *Delta* said:

> We deeply regret to hear that Mr. James Robb considered himself bound to resign his position at the Board. Mr. Robb, however, though constrained by personal consideration to resign his seat, will continue to give his aid to the enterprise to which he is the largest subscriber, of which he is the author, the first and strongest friend. He will, so far from interposing any obstacle, . . . cordially cooperate with the present board in forwarding, by all wise and practicable measures, the great enterprise in which, more than any other man, he has contributed to enlist so largely the public feelings and interest. Such a course is worthy of a citizen whose magnitude stands out in striking contrast with the usual tenor of conduct of those who connect themselves with great enterprises in these degenerate days.[35]

During the remainder of the year 1855, affairs on the surface seemed smooth enough, but the stockholders realized how they had been "taken in" to the detriment of their own best interests, and they were but awaiting an opportunity to rectify their mistake. Little progress was made in extending the road beyond that which

[35] *Ibid.*, April 15, 18, 21, 1855.

had already been begun at the time the new Board was elected. They did, however, repay to Mr. Robb and his banking house all debts which were owed to him by the Company. He had personally pledged his own private resources and those of his banking house on several occasions in order to obtain needed materials, such as iron, etc., from England, and he had also loaned the Company money whenever its resources ran low, so as to prevent any cessation of work on the construction of the road.[36] The new Board claimed credit for this and other things, all of which served to make the people realize more fully the valuable services which had been rendered to the Company by Mr. Robb during his tenure as President.

By the spring of 1856 the condition of the Company, financially and in every other way, was at such a low ebb that Mr. Robb was moved to write a series of six letters, addressed to Governor Robert C. Wickliffe of Louisiana, upon the expressed desire to have Mr. Robb do so, in order that the new Governor might better acquaint himself with the actual condition of internal improvements in the State. These letters were published in the newspapers, and collectively they constitute the best contemporary treatise on the subject of internal improvements in Louisiana during this period. Mr. Robb went into the background and early history of railroads in Louisiana and traced their development up to the date of his letters. He also included his views on the matter of a protective tariff, to which he was opposed, and outlined a program of state aid to railroads in both Louisiana and Mississippi, which, while simple, was based upon his sound knowledge as a banker and is understandable as a sound system of financing even to this day. He related the causes of railroad failures in the State and proposed remedies which were extremely sound.[37] These letters were later published in pamphlet form, and when distributed by the friends of internal improvements in Louisiana they reawakened the people to the need for action.[38]

Stimulated by this renewed activity of Mr. Robb in behalf of railroads, and by the self-evident fact that a change was needed in the Directorship of the Jackson Railroad Company, the follow-

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[36] *Daily Crescent*, March 31, 1856; *Report of the Joint Committee on the New Orleans, Opelousas and Great Western and New Orleans, Jackson and Great Northern Railroads, 1854; Report of the New Orleans, Jackson and Great Northern Railroad for 1854, James Robb, President.* Copies of these two pamphlets are on file in the Louisiana Room, Louisiana State University Library.

[37] *Daily Crescent*, March 6, 7, 8, 10, 13, 1856.

[38] *Ibid.*, March 6, 1856.

ing letter was addressed to Mr. Robb, requesting him to run for a place on the Board of the Company:

To James Robb, Esq.:

The undersigned stockholders in the New Orleans, Jackson, and Great Northern Railroad Company are desirous that you should resume your place as a member of the Board of Directors; and that they can assure you that the same feelings are warmly entertained by a very large number of your fellow-citizens who are most deeply interested in the early completion of our noble enterprise. We have viewed with great regret and concern the withdrawal of yourself and some of your early associates from entire participation in the affairs of the Company, and we are not ignorant of the causes which have brought about the condition of things we deplore and are desirous of correcting. The interests of the Company require that the coming Board of Directors should be, not only efficient, but harmonious in its organization; and regarding you now, as in the beginning, the leader of the enterprise, we respectfully request permission to place your name at the head of our movement.

(Names of signers omitted.)

To this urgent request, Mr. Robb responded as follows:

Gentlemen:

I have the honor to acknowledge the receipt of your letter and thank you for the very kind manner in which you are pleased to express approbation of my services in connection with the Great Northern Railroad. I am entirely disinclined to resume duties, which the leaders of experience have shown are beset with difficulties, if the influence that has prevailed in the Board of Directors for the past eighteen months is continued, and which I cannot but regard as injurious to its fortunes.

I am willing to meet your wishes and to comply with any demand upon my time and humble services that will promote the public interest. It is due to you, however, and the stock holders of the Company, as well as to strict candor, founded on the convictions of experience, to be explicit in defining my position and motives that will influence my acceptance of the appointment of a Director. They are as follows:

First — The remodeling of the present Board, and the election of citizens for Directors entirely with reference to their known willingness to lend any and every cooperation in sustaining and carrying into practice that policy which will protect every interest and most speedily build the road.

Second — To elect citizens who not only entertain enlightened and liberal views as to what ought to be the policy of a great public work, but who will promptly and firmly resist all and every attempt to render it subservient of local and individual interests.

Third — To retain Mr. Calhoun in office, as his perfect acquaintance with the affairs of the Company and appreciation of its wants, added to his eminent executive qualifications, will render his services of great usefulness, if aided and strengthened by the cooperation of an efficient Board of Directors.

As the largest proprietor of the private shares of the Company, I am naturally interested in preserving them from sacrifice, which I am persuaded is inevitable if its affairs are not differently directed; and my views on this subject have been fully expressed in a series of letters recently addressed to Governor Wickliffe, and NOW in the HANDS OF THE PUBLIC.

The generous and liberal tender of your support, which is gratefully appreciated, entitles you to my views, frankly expressed. This I have done, and without here intending to impeach the motives or rectitude of others. The desire uppermost with me is to witness our public works going ahead, and if others can perform this achievement without any participation, my gratification will not be lessened. When we witness New Orleans elevated in rank as other cities by the possession of great highways, the theater for enterprise will be expansive and broad enough to satisfy all our desires, hopes, and expectations.

I am with great respect, yours, faithfully,

James Robb.

To Messrs. Alfred Penn, Charles E. Alter, William J. McLean, General Jonas, Henry T. Lonsdale, and others.[39]

On this occasion the *Crescent* gave voice to words of praise for Mr. Robb. It stated that he had been the originator of the "first well digested and practical system" of railroads in the State. But for his work it was doubtful if even one mile of the line would ever have been constructed. Thus New Orleans owed her present advanced position to him alone, and it was with great satisfaction that they received his consent to return to the aid of the road.[40]

The annual election of directors was held in April, 1856, and the new members of the Board assumed their duties shortly

[39] *Ibid.*, March 15, 1856.
[40] *Ibid.*, May 17, 1856.

thereafter. True to Mr. Robb's promise, Mr. Calhoun was retained as President of the Company, but an active campaign in behalf of the railroad began at once. The treasury of the Company, however, had been depleted during the previous year without regard for the future or any provision having been made for replenishing it. It was consequently found necessary for the Company to issue bonds to the amount of $3,000,000 bearing eight per cent interest. Mr. Robb was selected as the agent of the Company to dispose of these bonds. Remembering his last unfortunate experience with the Company's bonds, he had it explicitly understood that for his services in this connection he would not accept a penny of compensation.[41]

Mr. Robb successfully disposed of a part of these bonds. As evidence of his own faith in the Company, he personally purchased $500,000 of the bonds at 92, which was a good price considering the depressed condition of the Company's stock and the future outlook for the enterprise at that time. Later, he succeeded in selling $633,000 worth of the bonds in England at the high price of 98¾. The remainder of the issue was left in London for future sale.[42] The successful disposal of these bonds not only provided the Company with the funds necessary to continue construction of the road, but also restored public confidence as evidenced by an advance of twelve to fifteen per cent in the price of the Company's stock.[43] So complete was this revival of the Company that in September, 1856, though the road was not yet completed to Jackson, it was opened for travel as far as Magnolia, Mississippi, from which point stages operated to Jackson.[44]

As on previous occasions, Mr. Robb received the highest number of votes among the candidates for positions on the Board of Directors, at the election of 1857.[45] The railroads of the time were each said to owe their completion to the work of one man: the Central Road from Nashville to Chattanooga to V. K. Stevenson; the Memphis to Charleston road to James C. Jones; and the New Orleans, Jackson and Great Northern to James Robb. In this connection a writer in Baton Rouge said that some such man was needed to foster the Baton Rouge and New Orleans Railroad.[46]

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[41] *Ibid.*

[42] *Ibid.*, April 25, 1856; R. S. Cotterill, "Southern Railroads, 1850-60", in *Mississippi Valley Historical Review*, X, 399.

[43] *Daily Crescent*, May 17, 1856.

[44] *Ibid.*, September 3, 1856.

[45] *Ibid.*, April 21, 1857.

[46] *Ibid.*, May 1, 1857, quoting Baton Rouge *Gazette and Comet* of April 29, 1857.

By April, 1858, the railroad was completed from New Orleans to Jackson, and the extension from Jackson to Canton, Mississippi, had already been completed since 1856. The line as originally projected was thus completed in 1858.[47]

Immediately upon completion of the entire line, regular runs for both freight and passenger trains between New Orleans and Canton were inaugurated. From the very first the road began to make money, and its financial future seemed assured; but some of the directors were not satisfied with the results and desired to continue construction north of Canton. Robb opposed this plan, believing that the best interests of the road could better be served by a successful operation of the completed section while waiting until the Company had more firmly established itself financially and otherwise, and postponing further construction for a year or two. In 1858 the road was earning a gross income at the rate of over a million dollars a year. However, an issue was made of the matter by some of the directors who favored immediate construction beyond Canton. Robb, while serving on a committee to investigate, submitted a minority report opposing immediate continuation of the road, and his report was adopted by the Board of Directors by a vote of thirteen to eleven. Not satisfied with this disposition of the issue by the Board, the dissidents carried the matter to the stockholders who, deluded by the present success and the optimism of those favoring continuation, elected a Board in 1858 who were pledged to complete the road. Robb, standing by his previous position on this vital issue, was not re-elected to this Board. Thus did the people repay him for his services when they considered his aid no longer needed.[48]

These new directors, true to their promise, did succeed in completing the eighty-eight miles of the road to the Tennessee state line in 1860 and there made connections with the Central Road, thus giving New Orleans a direct connection with Columbus, Kentucky.[49] However, this task was not unattended with difficulties and Governor Wickliffe, in his message to the Louisiana Legislature in 1859, said that the Jackson Road had not submitted its annual report to the state authorities, and that he had received numerous personal and official complaints of the mismanagement of the road.[50]

[47] *Daily Crescent*, April 7, 1858; Cotterill, "Southern Railroads, 1850-60", in *Mississippi Valley Historical Review*, X, 400-401.
[48] *Daily Crescent*, April 8, 14, 15, 17, 21, 1858.
[49] Cotterill, "Southern Railroads, 1850-60", in *Mississippi Valley Historical Review*, X, 400-401.
[50] Governor Wickliffe's Message to the Legislature in *Daily Crescent*, January 19, 1859.

Shortly after the completion of this extension north of Canton, Mississippi, however, this entire section of the line was embroiled in conflict and, economically at least, the road was a failure for the time being. After the close of the Civil War, the road was reconstructed, but never did it revive the glory of its early years. The road, however, has continued to exist and today forms one of the main links of the route from New Orleans to Chicago. Thus, time has proven that James Robb was correct in his optimism in regard to the route chosen and the benefits which it would bestow upon New Orleans and the entire Mississippi Valley.

CHAPTER V

BANKING, OTHER INTERESTS, AND LATER LIFE, 1845-1881

While we have concerned ourselves at length with James Robb's career as a builder, director, and financier of railroads in Louisiana and the Southwest, we must not forget that he was first, last, and always a banker. He achieved fame in connection with his railroad activities to so great an extent that even years after his connection with these projects had been severed, he was called the "DeWitt Clinton of the South".[1] Such compliments were not undeserved, for the faithful and successful manner in which he served the South in this matter is well known even today. While the greater part of his time during the 1850's was spent in fostering railroad developments, he was not neglectful of his banking interests. Rather, he had so centered his attention on banking during the earlier part of his career in New Orleans that he had built up institutions in which the personnel was so efficient as to leave him time to engage in other pursuits and activities without endangering his banking interests in any way. He found time, as previously mentioned, to serve as President of the New Orleans Gas Light and Banking Company from 1842 to 1856, during which period he revived it from an almost complete failure into a successful enterprise, which not only became one of the soundest companies of its time, but as a result of James Robb's reorganization its affairs were so stabilized that it continues to this day as a branch of the New Orleans Public Service Company. Another of the enterprises which Robb inaugurated was the Spanish Gas Light and Banking Company of Havana, Cuba.[2] In

[1] *New Orleans Daily Democrat*, August 7, 1881; *Daily Delta*, April 15, 1855.
[2] See Chapter I of this article on this subject.

this connection he was among the first of that great group of American business men who, successful at home, expanded their field of operation to foreign countries. This expansion, which became quite common in a later period of American history, served to expand American business abroad and make American business men known throughout the civilized world for their initiative, energy, and enterprise.

James Robb's banking career up to 1845 has been discussed in Chapter I. In December of that year an unfortunate occurrence took place. During Robb's absence in Havana, where he was attending to the affairs of his newly organized Gas Company, Mr. Hoge, his partner, became involved with a Dr. and Mrs. Osborne in New Orleans, the aftermath of which resulted in Hoge refusing to accept Osborne's challenge to a duel. This affair so aroused public sentiment against Hoge that he decided to leave New Orleans. Mr. Robb purchased his share in the bank, and Hoge departed for the North. Robb continued to operate his bank in New Orleans, but it was thereafter strictly a one-man enterprise. Despite public opinion, Robb had an unshakable faith in Hoge's innocence of the charges lodged against him, and the former partners later became associated in another banking venture in the North.[3]

In 1846 he founded the "Bank of James Robb" under the free banking laws of Louisiana. This bank, like its predecessors, was very successful. It continued in operation until 1857, when, with a desire to expand his operations, Mr. Robb reorganized it, secured articles of association under the Free Banking Act enacted in 1855, and established the new "Bank of James Robb". The capital of the reorganized bank was set at $600,000, of which Robb held $500,000, the remaining $100,000 being distributed among such men as Judah P. Benjamin, P. N. Wood, Henry T. Lonsdale, James H. Caldwell and Cornelius Fellowes, all of New Orleans, Wirt Adams of Jackson, Mississippi, and Robert W. Hallett of New York.[4]

During this period after 1845 Robb began to expand the field of his enterprises and became an international banker in the true sense of the term. He established eight banks, located respectively in New Orleans, New York, St. Louis, San Francisco, London and Liverpool. Thus, from a dealer in uncurrent money in 1838, he had succeeded in establishing himself firmly in national and

[3] *Daily Delta*, December 24, 30, 1845.
[4] *Daily Crescent*, February 3, 1858.

international banking circles. His name was known in the "money marts" of the world, and his position was the envy of his contemporaries.[5]

In 1856 he constructed in New Orleans a home which was by far the finest and most palatial in the South at that time. The grounds occupied an entire block and the home itself would have done credit to royalty. The home was valued at $100,000 at the time of its completion, which serves to give one an intimation as to its size and magnificence. The house itself was beautifully furnished and thousands of dollars were represented in the canvases and other art treasures with which he enhanced the furnishings.

The house was surrounded by beautiful and well worked gardens, and it became the show place of New Orleans. It was indeed the most magnificent dwelling in the South and one of which anyone could justly be proud. Later when he departed from New Orleans in 1858, Robb sold the house with many of its art treasures to John Burnside, the Irishman who had accumulated millions in Louisiana. Burnside, however, did not take care of the house or grounds and, lacking feeling for the valuable paintings it contained he allowed them to become dust-covered and rotten, until at the time of his death both house and grounds had fallen into disrepair and its former beauty and glory were but a memory.[6] The property, located on Washington Avenue, later formed the original site of the H. Sophie Newcomb Memorial College for Women, and the house itself is today one of the buildings of the Baptist Bible Institute in New Orleans.[7]

During the 'fifties there was not another man in Louisiana whose star rose so high as that of James Robb. Successful in business and politics, and recognized as the State's leader in internal improvements, he was accorded honor and recognition on every side. He was invited to every function of importance which was held and he always conducted himself modestly, which only served to enhance his reputation and esteem.[8]

During this period New Orleans was famous throughout the world as an art center. The most famous artists of the day came to New Orleans for lengthy stays and were always well received. New Orleans herself contributed some native artists, who estab-

[5] *New Orleans Daily Democrat*, August 3, 7, 1881; *Appleton's Cyclopedia of American Biography*, V, 269.
[6] *New Orleans Daily Democrat*, August 3, 14, 1881; *Daily Crescent*, October 21, 1856.
[7] Nathaniel Cortland Curtis, *New Orleans, Its Old Houses, Shops and Public Buildings* (Philadelphia, 1933), 154-156.
[8] *Daily Delta*, November 23, 1849; *Daily Picayune*, October 7, 1851.

lished names for themselves as famous as those borne by foreign artists of the time. New Orleans was famous for its art collections which were unsurpassed elsewhere in America. Almost everyone there seemed appreciative of the fine arts and supported them generously. One feature of the city was the art galleries which were opened from time to time. Not only works which were for sale were exhibited, but also the citizens of the city would lend famous works for use at the exhibits so that the public at large might view them.

James Robb was one of New Orleans' most liberal patrons of art. His collection contained paintings by such famous artists as Rubens, Snyders, Salvator Rosa, Horace Vernet, Natoire, David, Roberts, Lambdin, Deutze, and Kellogg. The two works by Salvator Rosa which he owned are today in the Boston Athenaeum, while the Natoire though privately owned is in the Delgado Museum of New Orleans. Some found their way into other private collections, while others were retained by Mr. Robb. Fifteen of the most famous canvases were purchased by Mr. Robb at the occasion of the sale of the gallery of King Jerome Bonaparte at Bordentown, New Jersey, in 1845. Other famous pieces were added from time to time and collectively they made the Robb collection outstanding in American art circles. Later, in 1859, practically the entire collection was sold at what was one of the most famous auctions held in the United States during the nineteenth century. The collection was thus broken up at that time, but with the pieces Mr. Robb retained and several subsequent additions his collection still remained famous in America, though it could no longer command the respect it once did. Throughout his entire life James Robb was very appreciative of the finer things of life and his taste was discriminating in his selections of both artist and subject. As a patron of art he was not exceeded in America in his day, and he is thus remembered for his liberality and patronage of art.[9]

James Robb was as liberal and generous a man as ever lived. Not only was he always glad to contribute his time and efforts, but also his thoughtfulness and kindness to those less fortunate than himself was well known. He was always the first to respond to any call made for the sake of relieving those who were less fortunate than himself, and his contributions to civic and charitable

[9] *New Orleans Daily Democrat*, August 3, 1881; *New Orleans Price Current*, August 6, 1881; *Daily Delta*, December 24, 1845, January 21, February 6, November 22, 1846; *Weekly Delta*, August 9, 1847, April 2, 23, 1847; John Smith Kendall, *History of New Orleans*, II, 649; B. M. Norman, *New Orleans and Environs*, 170 *ff.*

organizations totaled thousands of dollars. As an example of contemporary opinion on this point, we may quote the *Delta*, which said: "Mr. Robb is one of the most kind-hearted and liberal of those to whom God has vouchsafed fortune".[10]

During the course of his residence in New Orleans, Mr. Robb, in connection with his affairs as an international banker and railroad promoter, as well as for personal pleasure, made fifteen trips to Cuba and six to England and the continent of Europe.[11] Such extensive travel was certainly exceptional for his day, for most men of his generation, even those occupying such high positions as his, managed to go abroad only once or twice in a lifetime. His insight and vision of national and world affairs, which he so often displayed, were no doubt developed and broadened by his extensive travels.

His wife, as mentioned before, was everything that could be desired. She was thoughtful, helpful and at all times subjugated herself to his best interests. To this marriage four children were born, three daughters and one son, James Hampden Robb. All of their marriages were what might be called brilliant matches and show clearly the position to which Robb had raised himself and his family. One daughter married a Dr. Parrish, of Philadelphia, who was a famous surgeon of the time; another married a Mr. Miltenberger, who was a wealthy merchant of St. Louis; the son, James Hampden, married a daughter of Nathaniel P. Thayer, of Boston, who was reputed to be the wealthiest man in New England; the third daughter married a Spanish nobleman, who was a cousin of Queen Christina of Spain, and by this marriage she became the Marchioness of San Roman. The wedding of this last daughter took place in the Malmaison, which had been the favorite palace of Napoleon Bonaparte, and the ceremony itself was said to rival that of royalty in style and splendor.[12]

This foreign marriage later proved unfortunate, and Robb regretted having intercepted an elopement in 1857 when this same daughter planned to marry a young lawyer of New Orleans. To prevent this intended marriage, Robb sent his daughter to Mobile, and the young suitor finally learning of her whereabouts went there, but again Mr. Robb interfered. This time he sent his daughter to Europe, where she met and married the Spanish

[10] *Daily Delta*, December 24, 1845, January 15, 1852.
[11] *New Orleans Daily Democrat*, August 3, 1881; *New Orleans Price Current*, August 6, 1881; *Appleton's Cyclopedia of American Biography*, V, 269.
[12] *New Orleans Daily Democrat*, August 3, 1881.

nobleman. Mr. Robb claimed that the New Orleans suitor was not motivated by love but was merely marrying for money. The suitor, however, on hearing of his former sweetheart's marriage in Europe, left New Orleans for the West where he died of melancholy shortly afterwards.[13]

This unsuccessful foreign marriage later caused Mr. Robb much annoyance. When Mrs. Robb died, this daughter's noble husband demanded a division of the estate under the community property laws of Louisiana so that his wife would receive her share of her mother's estate immediately. Mr. Robb was at this time in the throes of a period of financial embarrassment, and this difficulty with its legal entanglements only served to cause him still further embarrassment.[14]

Robb's banking enterprises during the 'fifties continued successful. On several occasions he practically alone financed the New Orleans, Jackson and Great Northern Railroad through its periods of financial difficulties.[15] During this period he established several banks in other sections of the United States as well as in London and Liverpool. In 1857 four of these banks were still in existence, namely: Bank of James Robb, New Orleans; Robb, Hallett and Company of New York; R. Wilson, Hallett and Company of Liverpool, England; and Tallant and Wilde of San Francisco.[16]

In the fall of 1857 the greater portion of the assets of these firms was placed in the care of the New York bank for investment purposes. The same fall, while Mr. Robb was in Europe attending his daughter's wedding, this bank invested heavily in railroad bonds and other improvement company securities. Later in the same fall the Ohio Trust Company failed, which failure upset public confidence and caused the people to fear for the safety of their investments. Banks all over the United States suffered runs and many had to suspend payment and close their doors. This situation occasioned what is remembered as the "Panic of 1857". The Bank of James Robb in New Orleans suffered runs, but it was in a sound condition and succeeded in weathering the crash. But the New York Bank of Robb, Hallett and Company was as heavy a sufferer as any in the nation and it, with the other two banks

[13] *Tri-Weekly Capitolian* (Baton Rouge), August 13, 1881, quoting *New Orleans Times*.
[14] *New Orleans Daily Democrat*, August 3, 1881.
[15] *Daily Crescent*, April 14, 1858.
[16] *New Orleans Price Current*, August 6, 1881; *New Orleans Daily Democrat*, August 3, 1881.

in which Robb was a partner, was forced to suspend in 1858. The unliquidated liabilities of these three banks amounted to $2,833,525; and this entire amount was assumed by Mr. Robb personally, even though it meant the sacrifice of his entire personal fortune and estate. During this same period he also suffered the loss of his wife and had to undergo the subsequent legal entanglement brought on by his daughter's Spanish husband.[17]

In an effort to clear his name, which meant more to him than personal wealth, he sacrificed his entire estate. He sold his home to John Burnside for $100,000, auctioned off practically his entire art collection in 1859, sold every share of stock he owned in the Bank of James Robb, which at that time amounted to $520,000, sacrificed his stock in the New Orleans, Jackson and Great Northern Railroad, and also sold his holdings in the New Orleans Gas Light Company. With some unsold securities and the money he had raised by the disposal of his other interests, he satisfied every creditor and investor in the three banks which had been forced to suspend.[18] While he had by his actions sacrificed the work of a lifetime and no longer enjoyed his former position of wealth, he enjoyed more the personal satisfaction of having assumed and paid a moral obligation, where no legal obligation existed, and of having carried his name through it to greater respect and honor than mere wealth could ever bestow.

With his fortune thus depleted, he was forced to turn his hand to any enterprise which could again start him on the upward road. On the basis of his success in building the New Orleans, Jackson and Great Northern Railroad and his former banking connections in England, he succeeded in having himself appointed receiver for the St. Louis, Alton and Chicago Railroad Company, the stock and bonds of which were for the most part held in England. On receiving this appointment he removed from New Orleans to Chicago,[19] thus closing a period of twenty-one years in New Orleans which had seen him climb as rapidly and as high as any man ever did in American business circles, and a period during which he had forever written his name on the pages of New Orleans and Louisiana's social, political and economic life.

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[17] *New Orleans Daily Democrat*, August 2, 7, 1881; *Daily Crescent*, July 2, September 1, 1858.

[18] *Daily Crescent*, March 12, December 14, 1858; *New Orleans Price Current*, August 6, 1881; *New Orleans Daily Democrat*, August 3, 7, 1881.

[19] *New Orleans Daily Democrat*, August 3, 7, 1881; *Appleton's Cyclopedia of American Biography*, V, 269; *Dictionary of American Biography*, XV, 644.

James Robb found the St. Louis, Alton and Chicago road in a terrible shape. Construction was only half completed, millions had been wasted, and there was a complete lack of public support for the road. Soon, however, his personality and genius made itself felt and under its impetus the road received a new lease on life. Credit was arranged, construction was resumed, and the road was completed to St. Louis. When Mr. Robb took control the stock was worth only six cents a share, and under his management it rose to a value of one dollar and forty cents a share. So successful was he in reorganizing the company that in 1862 the receivership came to an end and a new company was organized, of which new company, which bore the same name as the old, James Robb was immediately elected President. He served in that capacity until 1864, when he resigned to accept the Presidency of the Atlantic and Great Western Railway Company, which had been tendered him at an annual salary of $20,000. He then removed from Chicago to New York, which was the headquarters of the Company; but he resigned this position after a service of only three months. James Robb was himself the essence of honesty and straight dealing. Knowing this, a group which had secured control of the Atlantic and Great Western road enticed him into accepting its presidency in an effort to capitalize on his name and float new stock and bonds; so, on learning of their fraudulent intentions, he promptly severed his connection with the company. In 1865 he was elected to the presidency of the Dubuque and Sioux City Railroad, which position he retained for only a short time. With the Civil War now at an end, he eagerly formulated plans for a new banking enterprise in New Orleans and he was expectantly looking forward to the time when he might return to the site of his earlier successes, and which was so closely associated in his memory with his former triumphs.[20]

In order to understand the sentiment prevailing toward Mr. Robb in New Orleans at the time of his return, it will first be necessary to review his activities during the Civil War. He was not opposed to slavery and he had so stated on several occasions. The New Orleans Gas Light Company, with which Robb was connected for so many years, used slave labor almost entirely and Robb himself owned slaves and profited under the system. But he was a "Unionist" and as such was opposed to secession. To him the

[20] *New Orleans Daily Democrat*, August 3, 7, 1881; *New Orleans Price Current*, August 6, 1881; *Appleton's Cyclopedia of American Biography*, V, 269; *Dictionary of American Biography*, XV, 644.

Federal Union was supreme and he did not have any respect for those who advocated or encouraged disunion. In this same regard, while he criticized the action of the South as being foolhardy, he had earlier criticized the actions of the abolitionists and others in the North, who by their words and actions were making it more difficult for people so separated by different occupations, ideals and heritage as the North and the South to continue working together for the best interests of all.[21]

While living in Chicago in 1860, Mr. Robb read with a great deal of interest everything concerned with the South and her intended plans after the election of Lincoln. So strong were his feelings that he wrote numerous letters and in other ways warned Louisiana and the South against secession. On November 25, 1860, he wrote an open letter to Alexander H. Stephens of Georgia, concerning an address which Stephens had delivered to the Legislature of Georgia. This speech, coming from a Southerner, encouraged Robb to state his position on the question of secession and to point out the defects in the arguments being used by the agitators in the South.[22]

One of the first things Robb discussed was the mistaken idea of the importance of cotton as a commodity in world trade. He stated that it was not so great a necessity as the South imagined and that it had only occupied a position of importance for a little over a half century. England and the North could if necessary do without it until new sources of supply could be developed, which would surely happen if the South upset the trend of present affairs. Thus, not only would she fail, but she would lose a market which she had always considered in the light of a closed market, thus suffering a double calamity.[23]

He next attacked the idea of the South as to the glory and permanence with which they viewed their heritage and their social and economic systems. This self-gratification, he stated, was working for their ultimate downfall and ruin. Their pursuits were too few; they centered solely on agriculture and made no preparation for constantly changing economic conditions in the world, the effects of which they would surely feel. The withdrawal of their

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[21] James Robb, *A Southern Confederacy: Letters by James Robb, Late A Citizen of New Orleans, to An American in Paris; and Honorable Alexander H. Stephens, of Georgia* (Pamphlet, Chicago, 1862); Blain, *A Near Century of Public Service in New Orleans.*

[22] Robb, *A Southern Confederacy;* Henry Cleveland, *Alexander H. Stephens, in Public and Private, with Letters and Speeches, Before, During and Since the War* (Philadelphia, 1866), 694-713.

[23] Robb, *A Southern Confederacy.*

trade would not stifle Northern manufacturing, for with the same enterprise with which they had built them they would divert their activities to the development of a new market and if necessary change to new pursuits. The South because of its economic system could not so readily adapt herself, and she would be the greater sufferer in the loss of the market for her raw materials.[24]

The South assailed the protective tariff, and while some states did suffer he asked if Carolina and Georgia would share their benefits with Louisiana when that state suffered the ruin of her sugar industry. Thirty million people in the United States had for years paid a higher price on sugar for the sole benefit of two thousand Louisiana sugar planters, who under the free trade policy proposed by the secessionists could not avert ruin. Thus, while some would benefit by the removal of the tariff and the substitution of free trade, many others would suffer and it would not work the wonders promised by its supporters.[25]

These and several other arguments and proposals were discussed. In conclusion, he warned the South against heeding the advice of those who advocated secession, for in this case he predicted a picture which time proved to be correct, of desolation and ruin for the South when she sought to make an armed sword out of her economic system.[26]

Early in 1862 he wrote a former friend of his in the South, who had allied himself with the Confederacy, but whose name is not given, his views on the war at that time. He stated his desire not to see the North victorious, but to see the states reunited as before for a greater nation than they had previously dreamed of. His views, he said, had not been changed by his removal from the South, for he stated his position thus:

> I have in the past been a slaveholder, and would be so again if it was my interest to hold slaves. If the institution has faults and vices, the present generation is not responsible; on the contrary, no system of slavery in any age of the world was ever more patriarchal, more beneficent than slavery in the States of the South; and those who seek to interfere with it, and who design to weaken its guarantees, are at once the most mischievous and criminal of men, and it is their insane meddling, more than all other causes combined, that has inspired the Southern mind and heart with the sentiment of disloyalty to the Union. . . .

[24] *Ibid.*
[25] *Ibid.*
[26] *Ibid.*; *New Orleans Daily Democrat*, August 7, 1881.

Further on he stated that his heart burst and sickened at the knowledge of the murder, plunder, and destruction into which a people who were once so prosperous, happy, and free had been plunged.[27] In closing, he stated that slavery was doomed, that it did not as an institution have the sympathy of European governments, and that unless the South changed the policy and the path she was following she would for generations cease to the land of prosperity, rank, and influence which had once been his pride and boast. Thus, his was a position in which, while not joining with the South, he was not opposed to her; but he did not favor the action she took, and for her he had no criticism, only sympathy and understanding.[28]

During the Civil War Mr. Robb directed the use of the railroad under his management so as to be of the greatest service to the Union cause, and on several occasions he asked the aid of Stanton, Lincoln's Secretary of War.[29] He also exhibited a kind feeling for Southerners in general, and whenever possible aided in easing their misfortunes. He inspected prison camps in the North and on one occasion, as early as 1862, recommended the release of all prisoners of war, below the rank of lieutenant, from Tennessee and Kentucky, believing that they would not again take up arms against the Union.[30]

James Robb's personal affairs were not without entanglements growing out of the Civil War. In 1859 the Louisiana Legislature had passed an act providing for the relief of James Robb and his minor children. It provided, in accordance with Louisiana law, for the disposal by sale of the estate of his deceased wife. This estate comprised half of his holdings, under the community property laws. This forced settlement had been brought on by his Spanish son-in-law; and the legislative act authorized the sale of all property in the estate and a division of the proceeds among the children. The shares of the minors, in compliance with the terms of this act, were then invested in railroad bonds and other securities and placed on deposit with the Second District Court of New Orleans.[31] These securities were still on deposit at the outbreak of the Civil War, and it was impossible to remove them. Later, in August, 1862, after General B. F. Butler had occupied the city of

[27] Robb, *A Southern Confederacy.*

[28] *Ibid.*; *New Orleans Daily Democrat*, August 7, 1881.

[29] *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1899), Series III, Vol. II, p. 315.

[30] *Ibid.*, Series II, Vol. III, p. 357.

[31] *Laws of Louisiana*, 1859, No. 133, pp. 104-105.

New Orleans, no less a personage that Edward Everett wrote Butler on behalf of Mrs. Miltenberger, who was a daughter of Mr. Robb, asking his personal attention in seeing to the safe-keeping of these securities.[32]

Another complication ensued as a result of Robb's second marriage, to Mrs. Elizabeth Church Craig, who was the widow of Captain Craig, a former United States army officer, and herself a cousin of the Robbs of Georgia.[33] She was naturally very sympathetic towards the South and did everything within her power to make the lot of Confederate prisoners in the North easier. Alexander H. Stephens referred to her thoughtfulness in this regard while he was a prisoner at Fort Warren in Boston. Later, after his release, he departed for New York, where both Mr. and Mrs. Robb called to see him and were graciously received, as he considered both of them to be his friends.[34]

When word was received in New Orleans in 1865 that Mr. Robb planned to return to that city, it was the occasion for rejoicing on the part of the editor of the *Picayune*, for Robb had already forwarded a plan for the rehabilitation of the railroads of Louisiana, which was said to be well digested and quite practical. The editor expected to see the roads again operating as they had prior to the outbreak of the war, when Mr. Robb once again assumed control.[35]

It was during this period that James Robb received the most signal recognition of his reputation as a banker and financier. Andrew Johnson succeeded Lincoln in the Presidency in April, 1865, and shortly thereafter his Cabinet troubles began. He was familiar with Robb's successful career in New Orleans, and with Robb now residing in the North and known as a staunch "Unionist", Johnson tendered him the position of Secretary of the Treasury in his Cabinet. But Robb never had a liking for political life, so despite the proffered honor he declined it, preferring to remain in private business.[36]

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[32] *Private and Official Correspondence of General Benjamin F. Butler During the Period of the Civil War* (Norwood, Mass., 1917), II, 197-198.

[33] *New Orleans Daily Democrat*, August 7, 1881.

[34] Myra Lockett Avery, ed., *Recollections of Alexander H. Stephens: His Diary Kept When a Prisoner at Fort Warren, Boston Harbor, 1865, Giving Incidents and Reflections of His Prison Life and Some Letters and Reminiscences* (New York, 1910), 398-399, 535.

Stephens spells the name "Robbe", but undoubtedly he was referring to James Robb and his wife, as he refers to Mrs. Robb as being the former Mrs. Craig. Then, too, the Robbs were residing in the East at the time the incident occurred. Thus, while Stephens misspelled the name, the references to former names and acquaintances definitely establishes their identity.

[35] *Daily Picayune*, November 2, 1865.

[36] *Appleton's Cyclopedia of American Biography*, V, 269.

In 1866 Mr. Robb returned to New Orleans and supervised the construction of the building for his new bank. This bank was organized as "The Louisiana National Bank", with a capital of $1,000,000, and it continued in existence for many years. Robb, however, was not received with enthusiasm by the New Orleans people as a whole, for, despite his former life and association with them, they viewed him as a Yankee, or worse still as an adopted son of the South who had deserted the land of his adoption in its hour of need. Then, too, it was known that Lincoln had offered him the position of Military Governor of Louisiana, all of which placed him in an unfavorable position with the people of New Orleans. Though his new bank was fairly successful, Robb's connections with it were not pleasant; and in 1869, after three years of effort to overcome the prejudices and slightings by former friends, he disposed of his interest in the bank and returned to the North.[37]

His only son, James Hampden Robb, had also elected banking as his career, so, after leaving New Orleans in 1869, James Robb went to New York where, with his son and Edward King as partners, he organized the firm of "James Robb, King and Company, Bankers". This firm continued in operation for a number of years, but Mr. Robb, tiring of activity, retired in 1871, turning the bank over to his son and Edward King.[38]

Mr. Robb retired to the home which he had built in 1844 for his mother, in Cheviot, near Cincinnati, Ohio. His library and the few remaining pieces of his art collection had been placed there at the time of the sale of his estate in 1858-59, and it was to this home that he retired in 1871 with his third wife, the former Mrs. Stannard of Richmond, Virginia. This union, however, was not a happy one and resulted in an early separation, with his wife returning to Virginia.[39]

Robb's one desire now was for peace and rest, for his life had been a full one, as expressed in his own words, thus:

> I have been engaged in almost every branch of business, and made money until I did not know what to do with it. I have sat at the table with royalty, seen every phase of life,

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[37] *New Orleans Daily Democrat*, August 3, 7, 1881; *New Orleans Price Current*, August 6, 1881; *Daily Picayune*, January 6, 1869; *Appleton's Cyclopedia of American Biography*, V, 269; *Dictionary of American Biography*, XV, 644; Jewell, *Crescent City Illustrated*; *Gardner's New Orleans Directory for 1869*.

[38] Henry V. Poor, *Manual of the Railroads of the United States*, 1868-1869, 1869-1870, 1870-1871; *New Orleans Daily Democrat*, August 3, 1881.

[39] *New Orleans Daily Democrat*, August 3, 7, 1881.

> traveled the whole civilized globe and seen all its art treasures, and I am tired — satisfied — and I have come out here (Cheviot) to rest.[40]

His last years were restful ones. He had managed in part at least to recoup the fortune which he had sacrificed to maintain his reputation for honesty and upright dealing, and he was again a wealthy man. Surrounded by his art treasures and a large library, he spent his latter days in peace and contentment, after once overcoming his desire for activity. His door was always open to his friends, whom he graciously received on all occasions. Thus, almost in seclusion were his last years spent, and there, on July 30, 1881, he passed on, content in the knowledge of having lived a full and just life.[41]

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[40] *Ibid.*

[41] *Ibid.*, August 3, 7, 12, 1881; *Appleton's Cyclopedia of American Biography*, V, 269; *Dictionary of American Biography*, XV, 644.

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JOSE JULIAN MARTÍ ON JUDAH PHILIP BENJAMIN

Edited and translated by LOUIS GRUSS

INTRODUCTION

In the tribute of Jose Julian Martí, here rendered in an English translation, we find Judah Philip Benjamin, the Confederate Secretary of State, hailed as a great Antillian, an interesting allusion inasmuch as he has already been claimed as an Englishman, an American, a Southerner, and even as a Frenchman. Martí's article appeared in 1884, the year of Benjamin's decease, and is the first known instance of his being acclaimed as a son of the West Indies. It is true that Beckles Willson, in a recent book on John Slidell, also alludes to Benjamin as a West Indian, but his reference lacks the interest of Martí's, especially in these days, when the United States and the Latin-American countries are moving towards a closer political and cultural understanding. In fact, it is precisely because of Martí's pre-eminent position as the national hero of Cuba, that this tribute from the pen of one who was deeply stirred by the life and career of Jefferson Davis' collaborator in the cause of Southern independence, is deemed peculiarly worthy of reproduction at this moment. It is another testimonial to the inspiration drawn from American history by one of the outstanding personalities of Latin America, a subject deserving more attention from historians.

Born in Cuba in the year 1853, when Benjamin had already attained national prominence by his election as United States Senator from Louisiana, Martí was from his early youth active in the movement for Cuban independence. At the age of sixteen he was deported to Spain for revolutionary political activity, and upon his return to Cuba was rearrested and again deported. A highly gifted man, he studied law in Madrid, went to France and thence to Venezuela. From there he made his way to the United States, where he worked for a time in some of the South-American consulates and even as a reporter on the staff of the New York *Sun*. This was in 1881, when he was twenty-eight, but his thoughts were ever of Cuban independence. When the Cuban Revolutionary

Party was formed in Florida in 1892 he joined it with enthusiasm, and still later, when the revolution broke out in the island, he enlisted under Maximo Gomez. In 1895, at the age of forty-two, he fell in action at Boca de los Rios, without seeing his dream come true.

That Martí should have found inspiration in the career of the great lawyer and statesman who was born in the West Indies is quite natural, since there were so many points of similarity between his own career and that of Benjamin: their common origin, struggle for independence, interest in law, and their careers as journalists and exiles. Martí was a prolific prose writer, but he is chiefly esteemed for his fine poetry. In the following piece his statements are sometimes unavoidably inaccurate in certain details, but his poetic insight has helped him penetrate to the essential greatness of Benjamin.

I have made a free translation of Martí's tribute without departing, however, from the true sense of the original.

JUDAH PHILIP BENJAMIN*

In the hectic, troubled years preceding the American Civil War there was a man in the Senate chamber in Washington who was known throughout the length and breadth of the United States for his culture and brilliant talk, and the high esteem in which his counsel was held, a gentleman at once spirited and reserved, and, in games of chance, in which he indulged with great gusto, ever suave and imperturbable.

Throughout the long years of the Civil War this same individual toiled tirelessly and without complaint as Attorney-General of the Southern Confederacy. In service his beard grew tinged with grey, but he remained unflinching in his loyalty to the State of Louisiana which had adopted him as a native son, and to those other States of the South which had joined their destiny to hers. Among all the Confederates there was no lawyer whose word carried more weight in legal matters than his, and it has been said of him and Alexander Stephens, who has but recently passed away, that they were the "brains of the Confederacy." The Attorney-General was a very astute man, a master of the spoken word, dig-

* This article first appeared in 1884 in *La America*, a monthly review of industry, commerce and agriculture, published in New York City and devoted to the interests of Spanish-Americans. It was later reprinted in Martí's *Obras Literarias*, published in eight volumes in Havana in 1909. For an account of the career of Benjamin, see Louis Gruss, "Judah Philip Benjamin", in *Louisiana Historical Quarterly*, XIX (1936), 964-1068.

nified in bearing, with piercing eyes, ever alert, and movements that were quick and youthful. With one piece of sound counsel this gentleman could repair the damage inflicted by the North in a single battle. He was already in his sixtieth year when Sheridan's cavalry thundered across the grave of the fallen Confederacy.

In the year 1866 an untried journalist made his debut in the columns of the *Daily Telegraph* of London. In the customary parlance of English journalists an editorial is called a "leader", yet it must be confessed that these first efforts were in fact leaders. What is more, the author of these leaders, who by a precise and animated style immediately attracted the attention of the public, was but an inexperienced barrister, who had just finished his studies at Lincoln's Inn and had placed on the market a book on the law of personal property composed entirely by himself.

Now, whoever happened to overhear the leaders of the London bar and the judges as they engaged each other in conversation in the year 1870, would have heard on the lips of all but one name; would have heard how all of them, with singular unanimity, paid homage to an adversary who had just sprung up in their midst as a formidable, distinguished and prosperous rival; would have heard lavish praise for the lucid eloquence, the compact and subtle logic, yes, even the comprehensive legal erudition of a fledgling barrister who only two years previously had uttered his first words in an English courtroom.

Well, then, these four individuals were all one and the same person: the brilliant Senator, the loyal Cabinet officer, the journalistic novice, the student of a foreign legal system; and, in a short time, also the proud possessor of the good-will and friendship of the London tribunals and of the most coveted honors and perquisites which in those days were reserved exclusively for the great of the legal profession in Britain. All these things was Judah P. Benjamin, who has just passed on in his mansion in Paris, rich in honors and fortune.

Let us dwell on his career for a moment, not merely because he was a conspicuous personality; not merely because he enjoyed that prominence so esteemed by all men and which is almost always attained only through hard human effort. Rather let us dwell on it because it was achieved in the face of well-nigh insuperable obstacles, therefore reflecting greater credit on the man, the

resoluteness of his will, the nobility of his character in times of adversity, his clarity of judgment, his steadiness of purpose in the day of his declining years.

To young men who grow weary because, alas, their efforts seem to be for naught; to the proud who cavil because mankind does not speedily recognize their excellent talents and virtues; aye, to the feeble in spirit, who when their hopes and fortunes are dashed into a thousand pieces, droop away like withered fungus in a decaying rafter, or else, like demented persons, cry implor-ingly to heaven; to those erring ones who foolishly confuse the necessary tardiness with which Fortune distributes her rewards, with the unjust slights of a capricious goddess or the singular malevolence of a whole world conspiring against them — to all such I present the example of Judah Benjamin.

Few men succeed in crowning the ambition of one lifetime; he built a fortune on the grave of the first. Few men are exalted, when, arriving at those years when energies fail, see how quickly wealth and name disappear, together with country and friends, and all those things which might enable them to retrieve loss fortunes. And yet, without any of these, without country, without friends, without property and without connections, yes, without all these Judah Benjamin rose like the Phoenix from its ashes. He shook the dust from his feet and continued serenely on his way.

Those who know the hidden tears, the hopeless anguish, the slow, tortuous climb, the obscure inner struggles, the protracted and fatiguing trials, the setbacks, humiliations and compromises which even the less notable accomplishments in life cost us, those who know the price that must be paid, — they, I say, — know what a marvelous thing it is to possess the strength and courage to begin anew. Of what strange stuff, then, was Judah Benjamin made; he who at the age of sixty began life anew on foreign soil and won security, wealth and glory with even more celerity than in his native land in the first flush of youth!

The man arrived in London as little more than a shipwrecked derelict; and, although he found some friends in his hour of need, he did not depend on their help, as honorable men are sometimes compelled to do when they fall on evil days. It is even possible that one of those distinguished English notables sympathetic to the Confederates placed the loyal and unfortunate Premier in contact with the *Daily Telegraph*; or, it is more probable, that

a man so self-contained and able, recommended himself by his own industry, always a man's best friend. In London he existed as a mere novice, enduring all the privations of a beginner, without all the lionizing and glamor in which, after a notorious career, distinguished exiles are often accustomed to forget in exile the bitterness of their fate.

Day and night the fallen Minister studied like an indefatigable schoolboy, and the quarters where he bent his noble grey head over his books were indeed no better than those of a student of very modest means, and yet all the while he maintained his wife and daughter in Paris in decency and comfort. In his first year he earned no more than $1200, and in the second $2000. Then he saw in a flash that in the whole field of English jurisprudence there was lacking a thorough work on the law of personal property. So he conceived and wrote a most valuable book on the subject, which in a short time came to have the fame of a Vico on Obligations or a Thiers on Property in General. And so useful to juridical science was this work on which the author shed the spirit and lucid genius of America that in spite of the rivalries which the merit of the new writer was inevitably evoking, his name and clientele grew; and in such rapid fashion that a judge famous for throwing a handy packet of papers at the unoffending head of a secretary upon the slightest provocation, sternly warned the latter when he pleaded that he knew of no such work on the law of personal property: "Now mark me well. Don't let me ever sit down in my seat without having near me the excellent work of Mr. Benjamin on Sale."

The work became the vademecum of every barrister; while the author, taking the wrath of his rivals in his stride and paying them no heed, except to conquer them, in time came to be known in the highest tribunals as the most gifted and most distinguished lawyer at the British bar. He who had recently lived in penury was now an opulent man. He lived a simple and useful life, fruitful and dignified, something all those will know how to value who realize that it is no mere platitude to say that showy pomp is always purchased at the expense of decency. For his tenacity, his clarity of expression and judgment, for that rare knowledge of men which elevated him above the passions of ordinary mortals and permitted him to be guide and master; for that fine culture, urbanity and gayety which softened the asperities of existence;

and for that youthful energy with which he pried open every door at an age when our steps begin to falter, — among powerful rivals in a land strange and distant — Judah Benjamin came to be considered one of the outstanding men of his time. As for fame he cared little for it who knew well enough that the lonely martyr who perishes in faraway China gets hardly a passing thought in New York, for all his poems of lamentation. But he did care that his whole life should be a model of integrity. It was; the lesson for mankind is both admirable and instructive.

In the mansion built by his own toil he who found nothing difficult and lived out two successful lives, has passed to his last rest, admired by all men who find the task of opening but a single doorway of life so difficult. Every young man, therefore, ought to hang a portrait of this great Antillian at the head of his bed, for this man was not even a North American, which makes all the more praiseworthy his early triumphs. The Antilles, which bring forth brilliant sons, will yet be glorious lands, and we shall see them resplendent as the Greeks of old. Every young man, when he feels his knees grow weak and despair begins to whisper in his ear, should turn and gaze at the portrait of Judah Benjamin.

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LXXXII.

January, 1760-December, 1761*

(Continued from October, 1939, Quarterly)

By G. LUGANO
Revised by Walter Prichard

By the Editor of the Quarterly

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

De Kerlérec, Louis Billouart, Chevalier, Governor

De Rochemore, Vincent Gaspard Pierre, Chevalier, Commissioner General of the Marine, Intendant, and First Judge of the Superior Council

Raguet, Jean Baptiste, Councillor, and acting Procureur General during 1760

De la Lande d'Apremont, Charles Marie, Councillor Assessor, and acting Procureur General during 1761

De Kernion, Jean Francois Huchet, Councillor Assessor

De la Chaise, Jacques, Councillor Assessor

De Macarty de Mactigue, Barthelemy, Chevalier, Councillor, and acting Lieutenant of the King during 1761

Foucault, Nicolas Denis, Commissioner of the Marine, acting Intendant, and First Judge of the Superior Council in 1763

Chantalou, Augustin, Clerk of the Superior Council and Notary

Lenormand, Marin, Sheriff

Descloseaux, Jean Arnould Valentin Bobé, Clerk of the Marine, acting Commissioner and Judge at Mobile

De Velle, Pierre Annibal, Chevalier, Lieutenant of the King and Commandant at Mobile

Roujot, Clerk of the Court and Notary at Mobile

Dubroca, Clerk of the Court at Mobile

Broutin, Notary at New Orleans

* (*Editor's Note*: The Records of the Superior Council, prepared by the late Mrs. Heloise H. Cruzat and put into the hands of the present Editor in 1934, came down only to the end of the year 1753. These have all been printed in the last five volumes of the Quarterly. The Records translated by Dr. G. Lugano cover the period from January, 1760, to October, 1763, inclusive. The records for the years 1760 and 1761 are extremely scanty, and all of them are printed in the present installment; but the Records for 1762 and 1763 are very voluminous, and it will take several years to print all of them at the present rate. By the time this supply is exhausted, it is to be hoped that the Society will have found it possible to supply the missing years, 1754 to 1759, inclusive, and to continue the work from October, 1763, to the end of the French regime. While it is to be regretted that the records are not available, so as to continue to print them in chronological order, the readers of this section of the QUARTERLY will doubtless find much of interest in the records of the early 1760's. — W. P.)

January 16, 1760.

7 pp.

Petition of the co-heirs of the Busson succession for permit to sell five slaves.

Petition to Monsieur de Rochemore, Chevalier, Councillor of the King in the King's Councils, Commissioner General of the Marine, Ordonnateur of the Province of Louisiana, and First Councillor of the Superior Council:

Petitioners: Duvergé, pilot for the King in this colony, in the name and as husband of Rose Busson; Marie Anne Busson, wife of Sieur Gervais; Louise Busson, of age and in full enjoyment of her rights; Francois Larche, duly assisted and authorized by Sr. Benoist, his curator: all co-heirs of the estate of the late Sieur and Dame Busson, representing that they wish to sell four negroes and one negress belonging to the said estate, so that a partition can be effected, and that they may enjoy what will come to each of them. Wherefore they pray that a judicial sale of the said slaves be allowed, under the supervision of an appointed Commissioner and in the presence of the Procureur General of the King.

(Signed): G'nie Duverié; Th're Benoist; Larche; Marie Anne Busson, femme de Gervais; Louise Busson.

Permit granted.

February 7, 1760.—Let it be done as requested, under the supervision of Mr. De la Lande, whom we appoint Commissioner to this effect, and in the presence of the Procureur General of the King, for the purpose of effecting a partition, as it is set forth in the above petition. (Signed): Rochemore.

Advertisement of judicial sale of above five slaves.

February 10, 1760.—In execution of the order of the 7th instant by Monsieur De Rochemore, First Judge of the Superior Council:

Be it known to all whom it may concern, that, upon request of the heirs of the late Sieur and Dame Busson, there will be held next Friday, 15th of the present month, in the Registry, a judicial sale and adjudication, to the last and highest bidder, of four negroes and one negress, belonging to the said succession, on condition that the purchasers pay in cash the price of the slaves which will be adjudicated to them; the whole to be carried out under the supervision of Monsieur De la Lande, Councillor Commissioner in this case, and in the presence of Monsieur the Procureur General of the King; that no one might plead ignorance of said sale.

Certification of posting of above advertisement.

The present notice, which was posted at the main door of the parish Church of this city, at the door of the Office of the Superior Council, and at the door of the Registry by Sheriff Marin Lenormand, was read and proclaimed by beat of the drum at the close of the High Mass. (Signed): Lenormand.

Judicial sale of the above slaves.

February 15, 1760.—On February 15, 1760, at nine o'clock in the morning, by virtue of the order of Mr. de Rochemore, First Councillor of the Superior Council, of the 7th instant; upon the request of Sr. Duvergé, pilot for the King in this colony, in the name and as husband of Roze Busson; and upon the request of Dame Marie Anne Busson, married to Gervais; of Demoiselle Louise Busson, of age and in the enjoyment of her full rights; and of Sr. Francois Larche, assisted and authorized by his curator, Sieur Benoist: all co-heirs of the succession of the late Sieur and Dame Busson, Messire Charles Marie Delalande Dapremont, Councillor Assessor of the Superior Council, Commissioner appointed in this case, accompanied by Messire Jean Baptiste Raguet, Councillor of said Council, acting Procureur General of the King, went to the Registry of the Council for the purpose of conducting the sale and adjudication, to the last and highest bidder, of certain negroes and negresses belonging to the said succession; and numerous bidders being assembled there, the Sheriff, in a loud and audible voice, explained the terms and conditions of the sale, which was carried out as follows:

Firstly: there were put up for sale a negro named Malbrou, and his wife named Catherine, which, after several bids, were adjudicated to Sieur Duvergé, for two thousand and five hundred livres: 2500.

Item: a young negro named Etienne, adjudicated to Sr. Duvergé, for three thousand six hundred and fifty livres: 3650.

Item: a negro named Rencontre, adjudicated to Sr. Duvergé, for seven hundred and forty livres: 740.

Item: a negro named Creolle, adjudicated to Sr. Caminada, for two hundred and forty-five livres: 245.

And this is all belonging to the said succession, that was found for sale, the total proceeds of which amounted to the sum of seven thousand one hundred and thirty-five livres, entrusted to the keeping of Sieur Duvergé, who shall render an account of the same to the other co-heirs. New Orleans, on said day, month and year.

(Signed): G'nie Duvergé; Delalande; Lenormand; Raguet.
This document is an uncertified copy.

February 24.

1 p.

Acknowledgment of money and merchandise

I Acknowledge having received from Mr. Binet forty-five piastres fortes and a small parcel containing six pairs of linen stockings and three packages of pins, and one piece of Bertaign (Brittany: a certain kind of cloth), the whole to be delivered to his wife at New Orleans, and which I

received in Jamaica to be delivered in New Orleans.

promise, God helping, to deliver upon my arrival, barring accidents that might happen. In faith whereof I have signed, at La Jamaique (Jamaica) this 24th of February 1760. (Signed): Hargoux.

Receipt for the above goods.

I admit having received the piece of Bretayne (Brittany) and the packages of pins hereinabove mentioned. (Signed): Binet.

March 17.

2 pp.

Account of sale and division of the property belonging to the Fazende succession.

Statement relative to the sale of the holdings of the Fazende succession and division of the proceeds among the heirs:

From sale of negroes, chattels, personal effects, furniture: total amount, Livres: .....48098 - - -

From sale of P l a n t a t i o n : Livres: .....15800 - - -

Total of proceeds: Livres:.....63898 - - -

From which are to be deducted:

Paid to the Company, Livres:.....3500 -

Judicial costs, Livres:..... 800 -

Commission of 2½% for collection and keeping of funds, Livres:.....1097 -

Total Livres:.....5297 - - -

Giving a net sum of Livres:.....58601 - - -

To be divided between the six co-heirs, each of whom is therefore entitled to the sum of nine thousand seven hundred and sixty-six Livres, 16 Sols, and 8 Deniers.

Division:

Paid: to Sieur Fazende the elder, Livres:.... 9766 - 16 - 8

Paid: to Sieur Antoine Fazende, do .... 9766 - 16 - 8

Paid: to Sieur Jacques Fazende, Cadet, do.. 9766 - 16 - 8

Paid: to Sr. Laissard, husband of Hélène Fazende, do..... 9766 - 16 - 8

Paid: to Sr. Le Doux, officer, husband of Francoise Fazende, do..... 9766 - 16 - 8

Paid: to Sr. De Meziere, officer, husband of Pélagie Fazende, do..... 9766 - 16 - 8

58601 - — - —

Acknowledgments and receipts.

March 17, 1760.—We have read and settled the account, which was rendered by Mr. Chantalou, in the presence of Messire De La Lande, Councillor Assessor. According to said account, each of us is to receive the sum of nine thousand seven hundred and sixty-six Livres, sixteen Sols, and eight Deniers; and I, undersigned Fazende, acknowledge having received in cash, for my share, and for the shares coming to my brothers, Antoine and Jacques Fazende, the sum of twenty-nine thousand and three hundred Livres, and ten Sols, for which I discharge Mr. Chantalou, and promise to have him acquitted towards my said brothers, and obligate myself to have acknowledgment signed by my brother Jacques Fazende, who has now reached his full age. To Sr. Chantalou I have delivered the procuration granted to me by my brother, Antoine Fazende. (Signed): Fazende; Delalande; Jacques Fazende.

I have received for my share, as husband of M'lle Pelagie Fazende, the sum of nine thousand seven hundred and sixty-six Livres, sixteen Sols, and eight Deniers, and acquit Mr. Chantalou and whomsoever it may concern. (Signed): De Mezieres.

Received my share. (Signed): Ledoux.

March 22.

4 pp.

Petition of three Fazende brothers for permit to sequestrate in Chantalou's hands, who was charged with the Fazende estate, the sum of 1000 livres owed them by Sr. Layssard, their brother-in-law and co-heir.

Petition to Mr. De Rochemore, by Gabriel Fazende, in his name and acting under procuration of Antoine Fazende and Jacques Fazende, his brothers, at present absent from this city, representing: That Sieur Layssard, residing in Arkansas, owes them the sum of one thousand livres, according to an account that he shall present in proper time and place; and, as Mr. Chantalou has been entrusted with the funds arising from the sale of the property of the Fazende succession, permit is asked for a sequestration of said sum in Mr. Chantalou's hands, out of the share coming to Sieur Layssard, as co-heir in the said succession. (Signed): Fazende.

Petition sent to Chantalou.

March 22, 1760.—Order to forward the above petition to Sr. Chantalou. (Signed): Rochemore.

Chantalou answers that he will pay the share of Mr. and Mrs. Layssard, coming from the Fazende succession, as ordered.

March 24, 1760.—Declaration by Chantalou to the effect that he has in hand about 6000 livres, belonging to Mr. and Madame Layssard, and due to them in the the partition of the assets of the succession of the late Monsieur and Madame Fazende, parents of Madame Layssard, which sum, together with a negress adjudicated to said Madame Layssard, constitutes the share

coming to Mr. and Dame Layssard from the succession, and which he shall pay as ordered. (Signed): Chantalou.

Chantalou ordered to retain the 1000 livres, pending judgment on the petition.

March 25, 1760.—Order to Chantalou to retain the sum of 1000 livres mentioned in the above petition, out of the 6000 which he acknowledged holding for account of Sieur and Dame Layssard, until judgment is rendered. (Signed): Rochemore.

Layssard gives power of attorney to Fazende, Clerk of the Marine, to receive from Chantalou the sum of 1000 livres, to be used for settling his obligation.

September 30, 1760.—Power and authorization granted, by means of the present act under private signature, by Etienne Maraffret Layssard, storekeeper of the King in Arkansas, as husband of Hélène Fazende, heiress in the succession of the late Monsieur and Dame Fazende, her parents, to Monsieur Fazende, Clerk of the Marine, to receive from Mr. Chantalou, Clerk of the Superior Council, the sum of 1000 livres, to be used for the settlement of all obligations he may have. Drafted up in Arkansas, on September 30, 1760. (Signed): Layssard.

Rochemore orders Chantalou to pay 1000 livres to Fazende.

March 31, 1761.—By Virtue of the power granted by Sieur Layssard to Sieur Fazende, order is given by Sr. De Rochemore to Mr. Chantalou to pay Sr. Fazende the sum of 1000 livres, for which he will be validly discharged towards Sr. Layssard, by securing, under the present order, Sr. Fazende's receipt. (Signed): Rochemore.

Fazende's receipt.

April 7, 1761.—I received from Mr. Chantalou the sum of one thousand livres specified hereinabove. (Signed): Fazende.

March 29.

11 pp.

Succession of Pierre Robin at Rochefort, France. Magdeleine Robin, the only heiress, was a resident of Louisiana, as wife of Sr. Tourangin. Jean Robin of Rochefort, her uncle, was first appointed Curator by the Court in her absence; and afterwards Mr. Lochet de Vaudidont

Statement of the Receipts that Jean Robin holds for account of Magdelaine Robin, his niece, in his capacity of Curator, appointed by the Court in her absence, she being the only heiress of the late Pierre Robin, her father who was the husband of Jeanne Vieulle now living with whom he had a community of property:

First: said Robin states that he has received the sum of 1500 livres, handed over to him by his brother a few hours before the latter's death, while the widow was given an equal sum:..... 1500 - — - —

was constituted Attorney by Sr. Tourangin and his wife, Magdeleine Robin.

The document presents the settlement and liquidation of the succession as it is executed in France. There is no act or statement to explain why, how and when the document was sent to New Orleans, and became part of the Records of the Superior Council.

Item: the sum of 539 livres, 14 sols, and 3 deniers, for the reasons explained in the act of partition of the community property, between the late Robin and the said Dame Vieulle, act passed on April 4, 1757:.... 539 - 14 - 3

Item: the sum of 100 livres "de pot de vin", given by said Dame Vieulle for the transfer of the Du Broussail farm, made to her by her husband, as it is explained in said act of partition:..... 100 - — - —

Item: 492 livres, 11 sols, and 6 deniers, representing one-half of the sum of 985 livres and 3 sols, that said Dame Vieulle was obliged to account for in the personal estate of the community, as it had been given her from hand to hand by her husband, according to the explanation presented in said act of partition:..... 492 - 11 - 6

Item: 132 livres and 10 sols, representing one-half of the sum of 265 livres, that Dame Vieulle received from obligations due to the community, as it is explained in the said act of partition:..... 132 - 10 - —

Item: 2852 livres, 2 sols, 8 deniers, coming from the sale of personal effects:..... 2582 - 2 - 8

Item: 97 livres, representing one-half of what was due to the community for work done by the oxen belonging to the community: work done during the month of October 1756, and paid for on April 4, 1757:..... 97 - — - —

Item: 147 livres and 14 sols, representing one-half of 300 livres, owed by Sieur Chabot, from which were deducted the costs of the act of release:..... 147 - 14 - —

Item: 100 livres, for work done by the oxen of the community during the month of November 1756, and paid for on June 19, 1757:..... 100 - — - —

Item: 125 livres owed by Sieur Bourday:..... 125 - — - —

Item: 15 livres, representing one-half of the rent due on St. John the Baptist's day (June 24), and paid by widow Blaize for a house belonging to the succession of the late Sr. Robin, and situated in the city of Rochefort, on St. Jacques Street:..... 15 - — - —

Item: 8 livres and 5 sols, representing one-half of the rent of a house situated on Barriere Street, suburb of Rochefort:..... 8 - 5 - —

Item: 7 livres, 17 sols, and 6 deniers, representing one-half of the rent paid by one Poiron, for a house situated on St. Jacques Street, city of Rochefort:	7 - 17 - 6
Item: 27 livres paid by Sieur Leblanc for one cart-load of hay:	27 - — - —
Item: 86 livres for ox-work done during the month of December 1756:	86 - — - —
Item: 78 livres for ox-work done during the month of January 1757:	78 - — - —
Item: 102 livres for ox-work done during the month of February 1757:	102 - — - —
Item: 71 livres, paid by Dousset, due on St. Michael's day (September 29), for the rent of the farm Borderie du Quereu:	71 - — - —
Item: 52 livres and 10 sols, due on St. Michael's day, paid by Bonnavine for rent of house situated on Main Street, in the suburb of Rochefort:	52 - 10 - —
Item: 8 livres and 5 sols for rent, paid by one Bras:	8 - 5 - —
Item: 7 livres, 17 sols, and 6 deniers, paid by Poiron for rent:	7 - 17 - 6
Item: 24 livres, proceeds from grapes gathered in the Laforest vineyard in 1757:	24 - — - —
Item: 123 livres, for work done in March 1757, and paid for on January 20, 1758:	123 - — - —
Item: 15 livres paid by widow Blaize for rent due on Christmas:	15 - — - —
Item: 16 livres and 10 sols paid by Bras for rent due on the feast of Notre Dame de Mars (March 25):	16 - 10 - —
Item: 15 livres and 17 sols paid by Poiron for rent:	15 - 17 - —
Item: 18 livres paid by widow Blaize for rent	18 - — - —
Item: 29 livres from sale of hay to one Pierrille:	29 - — - —
Item: 40 livres from sale of grapes of Laforest vineyard in 1758:	40 - — - —
Item: 51 livres and 6 sols, paid by Bonnavine for rent:	51 - 6 - —
Item: 20 livres paid by Bras for rent:	20 - — - —
Item: 18 livres paid by Poiron for rent:	18 - — - —
Item: 27 livres and 10 sols paid by Etienne Douset for rent of the Borderie du Quereux farm, due on St. Michael's day, 1758:	72 - 10 - —

Item: 18 livres paid by widow Blaize for rent:	18 - — - —
Item: 20 livres paid by Bras for rent:.....	20 - — - —
Item: 18 livres paid by Poiron for rent:.....	18 - — - —
Item: 18 livres paid by widow Blaize for rent:	18 - — - —
Item: 9 livres paid by Poiron for rent:.....	9 - — - —
Total of receipts:.....	7079 - 10 - 5

Statement of Disbursements made by Jean Robin, in his capacity of Curator of Magdeleine Robin, his niece, appointed in her absence:

First: paid to Sieur Tazeau, Clerk, for costs of his (Robin's) appointment as Curator, the sum of 19 livres and 7 sols, according to the Clerk's receipt:	19 - 7 - —
Item: 3 livres, paid to Mr. Perodeau of St. Jean D'Angely, for legal advice:.....	3 - — - —
Item: traveling expenses to go to St. Jean D'Angely to obtain said advice: 3 livres 12 sols:....	3 - 12 - —
Item: paid to Mr. Aubruches, Pastor of the parish of Notre Dame of Rochefort, for the reasons explained in his receipt of February 5, 1757: 60 livres:	60 - — - —
Item: paid to Sr. Bouteau, Curate of same parish, as explained in his receipt of February 5, 1757: 30 livres:.....	30 - — - —
Item: 40 livres paid to Sieur Delvac, priest, and to said Sieur Aubraches, as explained in their receipt of February 5, 1757:.....	40 - — - —
Item: 27 livres and 10 sols paid to the Rev. Father Superior of the Capuchin Friars of Charente, according to his receipt of February 5, 1757:	27 - 10 - —
Item: 10 livres paid to Sieur Bouniot, Curate of Charente, according to his receipt of February 5, 1757:	10 - — - —
Item: 4 livres and 10 sols paid to Sr. Tillard, wig-maker and barber, according to his receipt of April 13, 1757:.....	4 - 10 - —
Item: 18 livres paid to Sr. Dubuisson, furniture dealer, for service rendered at the sale of furniture, according to his receipt of April 15, 1757:	18 - — - —
Item: 9 livres paid to Sr. Bost, Tax Collector, for succession fee, according to his receipt of April 16, 1757:	9 - — - —

Item: 3 livres and 11 sols paid to the Tax Collector of the Loire parish, for tax due by the late Sieur Robin for the year 1756, according to receipt of March 22, 1757:	3 - 11 - —
Item: 71 livres and 19 sols, paid to Sr. Barbereau for costs of sale of personal effects of the succession, effected on April 13, according to his receipt:	71 - 19 - —
Item: 83 livres and 12 sols, paid to Sr. Barbereau, Notary, according to his receipt:	83 - 12 - —
Item: 9 livres for correspondence and accounting done for the late Sr. Robin, at different times:	9 - — - —
Item: 60 livres paid to Marie Marchand, widow Grabeuil, according to her receipt of July 3, 1757:	60 - — - —
Item: 3 livres and 19 sols for mowing hay:	3 - 19 - —
Item: 3 livres for harvesting hay:	3 - — - —
Item: 3 livres and 12 sols paid to Sieur Rossignol, Notary, for copy of act of lease of the farm DuBroussail, according to his receipt:	3 - 12 - —
Item: 18 livres and 6 sols, for work done in the vineyard Laforest:	18 - 6 - —
Item: 4 livres and 18 sols to Sr. Barbereau, Notary, for two receipts issued to one Bourdes and to one Boureau:	4 - 18 - —
Item: 22 livres to the Sister Superior of the Charity Hospital for the Poor, according to her receipt:	22 - — - —
Item: 22 livres to the Poor of the parish of Notre Dame de Rochefort, in compliance with orders given by the late Sieur Robin, during his last illness:	22 - — - —
Item: 52 livres and 18 sols to Jean Coquard, bricklayer, for repairs, according to his receipt:	52 - 18 - —
Item: 9 livres owed by the late Sr. Robin to one Labonté, bricklayer:	9 - — - —
Item: 10 livres and 16 sols to one Muré, for repairs, according to his receipt:	10 - 16 - —
Item: 5 livres and 5 sols owed to one Manseau, according to his receipt:	5 - 5 - —
Item: 18 sols to one Papin for repairs to the well of the house situated in St. Jacques Street:	— - 18 - —
Item: 3 livres, 13 sols, and 6 deniers, for repairs to the well of the house situated on Main Street in the suburb:	3 - 13 - 6

Item: 37 livres and 14 sols for taxes:.....	37 - 14 - —
Item: 18 livres for agricultural work done in the vineyard during 1758:.....	18 - — - —
Item: 21 livres and 7 sols for municipal taxes:	21 - 7 - —
Item: 3 livres for house repairs:.....	3 - — - —
Item: 18 livres for work done in the vineyard:	18 - — - —
Item: 1 livre and 4 sols for postage:.....	1 - 4 - —
Item: 17 livres and 17 sols for taxes:.....	17 - 17 - —
Item: 150 livres to said Robin, Curator, for general expenses and services:.....	150 - — - —
Item: other expenses incurred by said Robin, Curator, after the passing of the act of June 30, 1757:	
Item: 113 livres and 16 sols to Siéur Barbereau, Notary, for several acts:.....	113 - 16 - —
Item: 53 livres to Sieur Gabesier, building contractor, for repairs to the house situated in the village of Quereux:.....	53 - — - —
Item: 27 livres to Sr. Gabesier for repairs to the house situated in St. Jacques Street, city of Rochefort:	27 - — - —
Total of disbursements: 1074 livres and 5 sols:	1074 - 5 - —

Summing up of Receipts and Expenditures made by Sieur Robin, Curator:

Total of Receipts:.....		7076 - 10 - 5
Total of disbursements:		
From the above statement:....	1074 - 5	
Paid to Mr. Vivier:.....	6013 - 10	
		7087 - 15 - —
Therefore the Expenditures are in excess of the Receipts by the sum of 11 livres, 4 sols, and 7 deniers:		11 - 4 - 7

(Signed): Lochet de Vaudidon.

List of properties purchased by Pierre Robin during the community with Jeanne Vieulle, his wife:

First: the farm of Borderie situated in the village of Quereaux, parish of Notre Dame of Rochefort, and a single-story house situated on

De la Barriere Street, in the suburb, bought from Jacques Baril and Marie Suzanne Vacheron, his wife, for the sum of 2800 livres:..... 2800 - — - —

Item: two parcels of arable land, adjoining the said farm Borderie, purchased from Jean Jagueneau, for 175 livres:..... 175 - — - —

Item: a small house with a garden, situated on the Main street of the suburb, purchased from Jeanne Jollives for 1200 livres:..... 1200 - — - —

Item: two parcels of land under cultivation as vineyards, measuring together about two "journaux", bought from Pierre Martin and Michel Goiret, for 290 livres:..... 290 - — - —

Item: a small house situated in the city of Rochefort, on St. Jacques Street, purchased from Marie Duret, widow of Jean Debauchet, for 980 livres: ..... 980 - — - —

Item: another small house situated in the same city and on the same street, bought from Marie Pillet, for 800 livres:..... 800 - — - —

Item: two parcels of land under cultivation as meadow, measuring together three "journeaux", situated in La Cabanne district, bought from Sr. Hublin for 800 livres:..... 800 - — - —

Total: ..... 7045 - — - —

Proceeds from sale of landed property: Five thousand livres: ..... 5000 - — - —

Remittance to M. Vivier:.....4010 - —
do. do. do. ..... 988 - 5

4998 - 5 - —

Difference: ..... 1 - 15 - —

GENERAL SUMMING UP:

Receipts made by Sr. Robin:.....7076 - 10 - 5
From sale of immovable property: 5000 - — - —

12076 - 10 - 5

Disbursements:

By Sieur Robin.....1074 - 5 -
Remittance to M. Vivier.....6013 - 10 -
do. do. .....4010 - — -
do. do. ..... 988 - 5 -

12086 - — - —

Monsieur Lochet has advanced the sum of 10 livres, 10 sols, and 5 deniers:..... 10 - 10 - 5

(Signed): Lochet De Vaudidon.

The total proceeds of the succession amount to the sum of 12736 livres, 10 sols, and 5 deniers:..12076 - 10 - 5

From which are to be deducted:

Expenditures made by Sr. Robin:..1074 - 5 - —
Freight to Rochefort:.... 11 - —
Postage: ..... 6 - 10
To Mr. Lochet de Vaudidon for his services and trouble: six cakes of sugar, measuring 30 ¾ x 35, for the value of: ..... 47 - 14
One per cent commission on 11000:.....110 - —

175 - 4 - —

1249 - 9 - —

Net proceeds: .....10827 - 1 - 5

Certification of settlement of above succession.

March 16, 1760.—Settled the present double account, errors and omissions excepted, showing that the share coming to Mademoiselle Magdeleine Robin is represented by the sum of 10827 livres, 1 sol, and 5 deniers, which I credit to Monsieur Brunet, who delivered to me said Demoiselle Robin's procuration in blank, which was filed with the name of M. Lochet de Vaudidont, Secretary of the King and Superintendent of the King's farms in Rochefort, who wound up this matter with Sieur Jean Robin, Curator of said Demoiselle Robin. At La Rochelle, March 16, 1760. (Signed): Paul Vivien.

Certification.

March 29, 1760.—The copy of the above account, the original of which remains in my possession, was ratified at Paris on March 20, 1760, by Messieurs Brunet and La Fresnière. At La Rochelle, March 29, 1760. (Signed): Paul Vivien.

Receipt for effects belonging to succession.

March 29, 1760.—Moreover, sent by M. Brunet, by means of the Paris coach, in a box containing the documents mentioned, also three silver spoons and three silver forks, belonging to the said succession, that M. Lochet delivered to me.

At La Rochelle, March 29, 1760. (Signed): Paul Vivien.

List of documents relating to the above succession.

Statement of the documents relating to the succession of Magdeleine Robin, at present residing in Louisiana and married to Sieur Tourangin, which documents I deliver to Monsieur Brunet, by means of the Paris coach, viz:

1—Inventory of furniture and personal effects, taken at the request of Jean Robin, Curator appointed by the Court on January 29, 1757, in the absence of Magdeleine Robin, his niece.

2—Partition of personal property carrying accounts and transfers, between Jean Robin and Jeanne Vieuille, widow of Pierre Robin, dated April 4, 1757.

3—Sale of furniture and personal effects conducted upon the petition of Jean Robin, Curator, on April 13, 1757.

4—Account rendered on June 30, 1759, by Sieur Robin to M. Lochet de Vaudidont, acting under procuration of Sieur Tourangin and his wife.

5—Deed of transfer to Jeanne Vieuille, widow of Pierre Robin, by M. Lochet, acting under procuration of Sieur Tourangin and Dame Robin, his wife, dated July 3, 1759.

6—Appointment of Curator Robin. Dated January 26, 1757.

7—Deed for the farm of M. Maudet to Robin. Dated July 12, 1753.

8—Opinion of Sieur Peraudeau, lawyer at St. Jean Dangely, dated March 28, 1757.

9—Folder containing several receipts and discharges mentioned in the accounts rendered by Sieurs Robin and Lochet de Vaudidont.

(Translator's Notes: This document contains several items of interest. It shows that prices or values, in numerical expression, were much lower in France than in Louisiana at that date. This difference may have been due to the different currency used in the mother country and in the colony, although the denomination of the unit of value is the same; and it is certain that the colonial currency was considerably depreciated in 1760. The prices at which houses and lots sold, and the rentals of city property and arable land, well illustrate the above statement and show how low such prices were at that date in France. The dates at which it was customary to pay rents reflect local customs of that period in France.—G. L.)

April 22.

3 pp.

Petition of Caminada, acting

Petition to Mr. De Rochemore, by Francois Caminada, merchant of this city, acting in the name and under procuration of Sieur Layssard, keeper of the King's Stores in Arkansas, stating that Mr. Chantalou, Clerk, holds the sum of 5866 livres, 16 sols,

for Layssard, for recovery of 5866 livres, 16 sols, 8 deniers, due to Layssard, as husband of Hélène Fazende, from the Fazende succession.

and 8 deniers, accruing from the sale of the property of the Fazende succession, and belonging to Sr. Layssard's wife, who is the daughter of the late Sieur and Dame Fazende; and that, having questioned Mr. Chantalou in the matter, he answered that he holds in his hands the said sum, which he is ready to turn over as soon as Mr. De Rochemore should order him to do so. In consideration whereof the petitioner prays that an order be issued to Mr. Chantalou to deliver said sum to him, by means whereof Sieur Chantalou shall be duly acquitted. (Signed): Caminada.

Chantalou ordered to answer above petition.

April 22, 1760.—Order to Mr. Chantalou to answer above petition. (Signed): Rochemore.

Chantalou answers, stating readiness to turn over said sum when so ordered.

April 23, 1760.—I answer that I have in my hands the sum of 5866 livres, 16 sols, and 8 deniers, as the remaining part of the share coming to Madame Layssard from the succession of Sieur and Dame Fazende, which sum I am ready to deliver when and to whom I shall be ordered to do so. (Signed): Chantalou.

Rochemore orders Chantalou to pay petitioner and secure receipt.

April 24, 1760.—Mr. Chantalou is ordered to deliver the aforesaid sum to Sieur Caminada, in compliance with the letter written by Sieur Layssard to Mr. Chantalou, who shall be duly acquitted towards Sr. Layssard by Sr. Caminada's acknowledgment. (Signed): Rochemore.

Caminada's receipt.

April 24, 1760.—I acknowledge having received from Monsieur Chantalou the sum of 5866 livres, 16 sols, and 8 deniers, hereinabove mentioned. (Signed): Caminada.

May 12.

1 p.

Excerpt from proces-verbal relating to sale of a negro belonging to the Rochon succession.

Excerpt from the paragraph concerning Mr. Philippeaux in the proces-verbal, dated May 12, 1760, of the judicial sale of the movables and real estate belonging to the late Margueritte Rochon, widow Trouillet by first marriage, and widow Paulet by second marriage, viz:

One negro named Jasmin and his wife named Fanchon, adjudicated to Sieur Philippeaux, for the sum of 3700 livres, to be paid within the term of four years, in equal annual installments. (Signed): Roujot, Greffier.

July 4.

2 pp.

Acknowledgment by Dubreuil of indebtedness of 32,729 livres to Dubreuil succession.

Before the Royal Notary of the province of Louisiana, residing in New Orleans, in the presence of the witnesses hereinbelow mentioned and undersigned, personally appeared Monsieur Claude Joseph Villars Dubreuil, Captain of the Militia in this city, who, by these presents, affirmed and acknowledged that he was indebted to the succession of the late Mr. Joseph Villars Dubreuil, his father, in his lifetime Captain of the Militia, master builder of fortifications for the King in this colony, in the sum of 32,729 livres, arising from the settlement of the account rendered by the Greffier, relative to the sale of the property of said succession; which sum the appearer promised and obligated himself to turn over and pay to Madame widow Dubreuil, or to whomsoever else it may concern, when he will give an account of said succession; and this is to be done within one year. Moreover, the appearer promised and obligated himself to pay to said Dame Dubreuil, the interest on said sum at the rate of five per cent, in compliance with the order of the Court, in security whereof he granted a mortgage on all his property, movable and immovable, present and future; fixing, as far as the said mortgage is concerned, his domicile at his residence in this city, where he consented that all documents required and necessary for the execution of these presents be served. Moreover, the appearer promised and obligated himself to furnish, in the course of the week, a good and sufficient surety: the whole in compliance with the order of the Superior Council of June 7th last, in the presence and with the consent of the said Dame widow Dubreuil and of Mr. De la Chaise, her counsellor, and also in the presence and with the consent of the Procureur General of the King.

Done and passed in the Notarial Office of this city on July 4, 1760, at six o'clock in the afternoon.

Witnesses: Sieurs Marin Lenormand and Antoine Thomassin.

(Signed): Delachaise DuBreuil; Villars; Delachaise; Raguet; A. Thomassin; Lenormand; Chantalou, Notary.

July 4.

2 pp.

Acknowledgment by Dubreuil of indebtedness of 40,000 livres to Dubreuil succession.

An Exact copy of the preceding Act, with the same date, persons, clauses, and signatures; but with the difference that the amount of the indebtedness is 40,000 livres, and that this Act presents the following marginal note, signed by Chantalou: "The sum of Forty Thousand Livres, here mentioned, was remitted to M. Villars by Act of September 1st, 1761."

(Signed): Delachaise DuBreuil; Delachaise; Raguet; Villars; A. Thomassin; Lenormand; Chantalou, Notary.

July 7.

3 pp.

Acknowledgment by Laurent Lerable of indebtedness of 6387 livres to Francois Larche.

Before the Royal Notary of the province of Louisiana, residing in New Orleans, in the presence of the witnesses hereinafter mentioned and undersigned, appeared Sieur Laurent Lerable called St. Laurent, who, by these presents, stated and acknowledged that he was indebted to Sieur Francois Larche, inhabitant of this colony, who also appeared and signified his acceptance, in the sum of 6387 livres and 14 sols, for an equal sum paid this day in the Notary's presence, in Treasury Notes accepted as legal tender in this colony, by said Sieur Larche to the said appearer of the first part, who promised and obligated himself to remit and pay back to Sr. Larche, within one year from date, in money which, at that time, will be used as colonial currency; in security whereof he granted a mortgage on all his property, movable and immovable, present and future. At the execution of the present Act intervened also Sieur Antoine Bienvenu, Coast-Guard Officer, who offered and constituted himself surety for the said Sieur Lerable, granting mortgage on all his property.

Passed in the Notarial Office of this city, on July 7, 1760, in the morning.

Witnesses: Sieurs Marin Le Normand and Antoine Thomassin.

(Signed): Lerable dit St. Laurent; Bienvenu; Lenormand; A. Thomassin; Chantalou, Notary.

Settlement of the above obligation.

November 4, 1761.—This Day, November 4, 1761, in the Notarial Office of this city, appeared Sieur Francois Larche, mentioned in the above obligation, who, by these presents, declared and acknowledged having received to-day, in the Notary's presence, in colonial currency, from Sieur St. Laurent Lerable, also mentioned in the above act of obligation, the sum of 6387 livres, in settlement of the said obligation; and granted full release to said Sr. Lerable.

Executed in the presence of Sieurs Marin Bary and Pierre Chiron, competent witnesses, residing in this city.

(Signed): Larche; Bary; Chiron; Chantalou, Notary.

July 9.

4 pp.

Will of Jean Joseph Delfaut de Pontalba.

To-day, July 9, 1760, at six o'clock in the afternoon upon the request of Monsieur Jean Joseph Delfaut de Pontalba, Captain of the Colonial Troops, We, Royal Notary of the province of Louisiana, residing in New Orleans, accompanied by the witnesses hereinafter named and undersigned, went to his residence facing the city wharf, and We found him confined to his bed, ill in body but sound in all his senses, memory, understanding and mind, as he appeared

to Us and to the said witnesses. And he told Us and declared that he had called Us for the purpose of receiving his testament, being certain of his death but uncertain about the time of its call; whereupon he desired to settle his temporal affairs; and dictated, word for word, his last will and testament as follows:

Firstly, he recommended his soul to God, the Father, the Son and the Holy Ghost; to the Holy Virgin Mary, and to his good patron saint, St. Joseph, whom he prays to intercede in his behalf with the Divine Majesty so that his soul, when separated from the body, may be accepted among the faithful Christians, as he always practiced the Catholic Apostolic and Roman Religion;

Item: he wants to be buried in the Cemetery of this Parish, with as modest a funeral ceremony as possible, and for this he relies upon the discretion of the executor hereinafter named;

Item: he wants and intends that his debts be paid and acquitted by his executor, so far as they appear lawfully due;

Item: he said and stated that, as he feels greatly obliged to his negro servant, Cezard, who always served him with zeal and affection, he intends, by these presents, to grant him his freedom, and beseeches Messieurs the Governor and the Ordonnateur that it may please them to confirm his wish;

Item: he wants and intends that after his death all his property, movable and immovable, be sold, with the exception of his silver-plate and of one Indian woman named Finette, which will remain in the service of his two daughters, and that all the proceeds of said sale be turned over to Monsieur Fusellier de la Claire, his neighbor and friend, whom he appoints as his executor, and whom he earnestly prays to take charge of all his assets, and to remit them to his brother, the Abbé Delfaut, Canon of the Church of St. Thomas du Louvre in Paris, and to send to him also his two daughters with the said Finette, their servant; and prays that, immediately after his death, his executor place his two daughters and their servant in the Convent; and prays also all his relatives and friends to appoint Sieur Fusellier, as tutor of his two daughters, for the time during which they will remain in this Colony. And prays that the executor accept, as a donation, his clock and his desk, for all the trouble that he shall have;

Item: Sieur Pontalba stated that there is due to him, without note, by Sieur Boisdoré, Surgeon, the sum of eighteen hundred and two livres; by Sieur Girard, Surgeon at Pointe Coupée, two hundred and sixty ells of cotton cloth at eleven livres per ell, and five hogsheads of brandy, of which, three hogsheads at three hundred and fifty livres and two hogsheads at four hundred livres;

Item: he declared that he owed to Sieur Monsanto, six bolts of handkerchief cloth at twenty livres; to Sieur Raguet,

three bolts of collar linen and one bolt of white linen; to Sieur La Clede, six hundred and two livres for salt; there being no outstanding notes for same;

All the foregoing represents his last will and testament, which was read to him and read over again several times, and he declared that he heard and understood it well, and had nothing to add to it, and nothing to retract from it.

Executed at the said residence on the date above stated, in the presence of Sieurs Jacques Cantrelle and Marin Le Normand, competent witnesses, residing in this city, who signed, after having witnessed said Sieur Pontalba sign his name.

(Signed): Pontalba; Cantrelle; Lenormand; Chantalou, Notary.

(**Note:** The signature of Pontalba appears at the bottom of each page.)

A large ink-stain smears the first and second pages, but the writing is legible.

August 26.

8 pp.

Subrogation by Widow De la Pommeraye and her son, Locquet de la Pommeraye, to Francois Caminada, of their claims arising under an act of sale of a plantation sold by them to Jean Baptiste Fleuriau; and transfer of plantation to Locquet by Caminada.

Before the Royal Notary of the province of Louisiana, residing in New Orleans, personally appeared:

On one side: Dame Jeanne Trudeau, widow De la Pommeraye, and Sieur Michel Locquet, her son, of age, both referred to in the Contract of Sale hereto annexed; on the other side: Sieur Francois Caminada, merchant of this city.

Said Dame Trudeau De la Pommeraye and Sieur Locquet, by these presents, transferred to Sieur Caminada, who accepted, the sum of 16,000 livres, owed them by Sieur Jean Baptiste Fleuriau in full payment for the plantation that they sold to him, according to the aforesaid Contract; and, for the purpose of the present transfer, the appearers of the first part now delivered a copy of the said Contract to Sr. Caminada, whom they subrogated to their rights and put in their lieu and stead, so that he might receive the said sum when it falls due. The present transfer is effected for a like sum of 16,000 livres, which Dame Trudeau and Sr. Locquet acknowledged having received from Sr. Caminada in the form of a plantation, that he sold today to Sr. Locquet, according to an Act of Sale passed before the undersigned Notary, the said plantation becoming therefore the property in full ownership of Sr. Locquet, since the aforesaid sum of 16,000 livres, added to the 1000 livres, which he has already received from Dame De la Pommeraye, as he acknowledged by these presents, represents the share coming to him from the aforesaid plantation sold by them to Sieur Fleuriau, as above stated.

Executed in the Notarial Office of this city on August 26, 1760, in the presence of Sieurs Antoine Thomassin and Marin Le Normand, witnesses.

(Signed): Locquet De la Pommeraye; De la Pommeraye; Francois Caminada; Lenormand; A. Thomassin; Chantalou, Notary.

(**Note:** The Act of Sale by Dame Trudeau de la Pommeraye and Sieur Locquet to Sieur Fleuriau, referred to above as annexed to the document, is missing.—G. L.)

Subrogation by Caminada to Destrehan, acting for Le Bretton, in part payment of indebtedness.

August 26, 1760.—This Day, August 26, 1760, before the Royal Notary of the province of Louisiana, residing in New Orleans, in the presence of the witnesses hereinafter named and undersigned, appeared Sieur Francois Caminada, referred to in the above transfer, who, by these presents, reassigned to Mr. Jean Baptiste Destrehan, Treasurer of the Marine in this city, who also appeared and signified his acceptance, the sum of 16,000 livres, set forth in the above transfer, to the effect whereof Sr. Caminada subrogated Sr. Destrehan to all his rights and claims, so that Sr. Destrehan may receive said sum when due, as in his own right. Sr. Destrehan, under procuration of Mr. Louis Cezard Le Bretton, accepted said sum of 16,000 livres as a cash payment and on account of a larger sum that Sr. Caminada owes to Sr. Le Bretton, according to a contract of indebtedness passed before the undersigned Notary on May 31, 1759.

Done in the Notarial Office of this city, on the date above specified, in the presence of Sieurs Marin Le Normand and Antoine Thomassin, witnesses.

(Signed): Francois Caminada; Destrehan; Lenormand; A. Thomassin; Chantalou, Notary.

Fleuriau petitions for permit to sell six pieces of ground and improvements thereon, situated in the rear of the town.

June 12, 1760.—Petition of Fleuriau to Mr. De Rochemore, Commissioner General of the Marine, Ordonnateur and First Judge of the Superior Council, alleging:

That he intends to sell six pieces of ground, together with all buildings thereon and servitudes and appurtenances, situated in the rear of the town, adjoining the property of widow Beaudreau and fronting the square of Sieur Caü; and since he is not allowed to do so, unless he obtains in advance an official permit, the petitioner prays that a permit for the proposed sale be granted. (Signed): Fleuriau.

Permit granted.

June 17, 1760.—Sale allowed by observing the proper forms. (Signed): Rochemore.

Notice of above sale posted.

July 7, 1760.—Advertisement of the above sale posted at the door of the Parish Church and of the Courthouse, for three successive Sundays, on June 22, 29, and July 6, by Sheriff Lenormand. (Signed): Lenormand.

Dame Trudeau de la Pommeraye and her son, Michel Locquet, petition for sale of a plantation situated half a league from the city, on left bank of the river.

April 26, 1760.—Petition to Mr. De Rochemore, Chevalier, Commissioner General of the Marine, Ordonnateur and First Judge of the Superior Council, by Jeanne Trudeau de la Pommeraye and Michel Locquet, her son, of age, alleging:

That they wish to sell, by judicial sale, a plantation of six arpents front by the usual depth, together with the buildings thereon, situated about half a league from New Orleans on the left bank of the River; and pray that they be allowed to have the notice posted with the public announcement regarding said sale. (Signed): De la Pommeraye; Locquet.

Permit granted.

April 30, 1760.—Sale permitted, by following the usual procedure, under the supervision of Mr. De la Lande, Commissioner appointed herein, and in the presence of Monsieur the Procureur General of the King. (Signed): Rochemore.

Notice of above sale posted.

June 30, 1760.—Sheriff Marin Lenormand certifies to having advertised the said sale for three successive Sundays, on June 15, 22, and 29, in the customary places. (Signed): Lenormand.

(**Translator's Note:** These various acts, with different dates, concerning four different cases, and all incomplete, were presented here according to the numerical order of the pages of the document. Most of the documents for the year 1760 are missing.—G. L.)

August 30.

1 p.

Conveyance by Joseph Barbau called Boisdoré to his brother, Antoine Barbau called Boisdoré, of the share coming to the former from the succession of Francois Noyon, their uncle.

Joseph Barbau called Boisdoré hereby certifies and states, in the presence of the undersigned witnesses, that he has given, transferred and assigned, forever, to his brother, Antoine Barbau called Boisdoré, the share coming to the said transferrer, in his capacity of heir in the succession of their uncle, the late Mr. Francois Noyon, who died in this city; and that he intends to ascribe to the present act the same force and effect that it would have if it had been drawn up by the Notary. The transfer is made on condition that the assignee assume all responsibility for costs, expenses, oppositions, law-

suits and all other consequences that may eventually arise from said transfer. In faith whereof he signed by means of his ordinary mark.

(Signed): D. Braud; Ordinary mark X of Mr. Joseph Barbau called Boisdoré; Roussillon, witness; A. Boisdoré.

(Translator's Note: The signature of "A. Boisdoré" is almost entirely destroyed. The document is preserved on a half sheet only.—G. L.)

August 30.

1 p.

Receipt and acquittance given by Mr. and Mrs. de Glapion to Mr. and Mrs. de Kernion.

Before the Royal Notary of the province of Louisiana, residing in New Orleans, personally appeared Mr. Christophe de Glapion, Officer of the Colonial Troops, and Dame Jeanne Antoinette Rivarde, his wife, duly authorized by her husband to act herein, who declared and acknowledged to have received, this day, in cash, from Monsieur and Madame Huchet de Kernion, both mentioned in the compromise hereto attached, the sum of 13,200 livres as final payment and in settlement of the sum specified in said agreement, which sums Monsieur and Dame de Kernion had obligated themselves to pay to Sieur and Dame de Glapion, who declared to have already received the other sum, previously due, and acquitted Monsieur and Dame de Kernion, and promised to have them acquitted also towards and by whomsoever else it may concern.

Executed in the Notarial Office of this city, on August 30, 1760, in the morning, in the presence of Sieurs Antoine Thomassin and Marin Le Normand, competent witnesses, residing in this city.

(Signed): Le Ch'er De Glapion; Rivard de Glapion; Huchet de Kernion; Villemont de Kernion; A. Thomassin; Lenormand; Chantalou, Notary.

September 6.

8 pp.

Marriage contract between Louis de Populus and Dame Jeanne Kerrourette.

Marriage Contract executed before the Royal Notary of Mobile, province of Louisiana, between Mr. Louis de Populus, Ecuyer, Sieur de St. Protais, Captain of a Company of detached Marine Troops garrisoned at Mobile, native of Evreux, in Normandy, son of Messire Pierre Francois de Populus, Ecuyer, Sieur de Sainte Marie, Captain of a Company of Grenadiers in the Regiment De Louvigny, and of Dame Marie Lange, on one side; and Dame Jeanne Kerrourette, widow by last marriage of the late Sieur Nicolas Aubert Dumont, in his lifetime Officer of the Colonial Troops garrisoned at this city, native of Rouay in Brittany, Bishopric of Vannes, parish of St. Barthelmy, daughter of Sieur Francois Kerrourette, Procureur in the jurisdiction of Pontcalay, and of Dame Jacques de Kermabeau, on the other side.

Sieur Populus assisted by Mr. Jean Arnould Valentin Bobé, Clerk of the Marine, acting Commissioner in Mobile; by Sieur Louis de Bonnille; by Mr. Pierre René Harpain, Ecuyer, Sieur De La Gautrais, Captain of Infantry, his friends, for want of relatives.

Dame Kerrourette assisted by Mr. Pierre Annibal, Chevalier Develle, Knight of the Royal and Military Order of St. Louis, Major and Commandant of Mobile; and by Mr. Philippe Goujon De Grondel, Knight of St. Louis, Captain Commander of the Swiss Troops garrisoned at Mobile, her friends, for want of relatives.

Executed at the residence of the said widow Aubert, on June 19, 1758, at seven o'clock in the evening, in the presence of Sieurs Lusser Develle and Berraguy Delagautrais, competent witnesses.

In the original, which is preserved in the Registry of Mobile, signed: Veuve Aubert, Populus, De Bonnille, Develle, Bobé, Lusser Develle, Grondel La Gautrais, Berraguy Delagautrais, and Marcellin, Notary.

Having read the Marriage Contract, and having heard the conclusions of the acting Procureur General of the King, on petition of Mr. Louis De Populus, Ecuyer, Sieur de St. Protais, Captain of Infantry in Mobile, and of Dame Jeanne Kerrourette, his wife, Jean Arnould Valentin Bobé, Clerk of the Marine, acting Commissioner and Judge in the jurisdiction of Mobile, allowed the registration, in the Registry of the jurisdiction, of the donation set forth in the said Marriage Contract; and it was entered in Folio Seventh of the "Registre des Insinuations".

At Mobile, October 2, 1758; signed, Bobé, De Callongne, and Dubroca, Clerk.

A true copy from the original, which is preserved in the Registry of this place. Mobile, September 6, 1760. (Signed): Roujot, Notary and Clerk.

Order of the Superior Council for entry of donation in the Records of the Registry.

March 5, 1763.—Having read the donation set forth in the Marriage Contract between Mr. Populus and Dame Jeanne Kerrourette, passed before Mr. Roujot, Notary, on June 19, 1758; and having heard the conclusions of the Procureur General of the King; the Superior Council ordered and does order that said donation be entered in the Records of the Registry, to the end that it may have effect according to its form and tenor.

Given in the Council chamber, at New Orleans, on March 5, 1763.

(Signed): Foucault.

December 11.

3 pp.

Contract of loan of 20,000 livres by de Grandpré to Dauterive, both captains in the Colonial Troops; the sum to be returned in gold or silver currency at La Rochelle, France.

Before the Royal Notary of the province of Louisiana, residing in New Orleans, in the presence of the witnesses hereinafter mentioned and undersigned, personally appeared Mr. Jean Antoine Bernard Dauterive, Captain of a Company of the Colonial Troops, who, by these presents, acknowledged owing to Mr. Louis Boucher de Grandpré, Knight of St. Louis, Captain of a Company of Colonial Troops, who appeared also and signified his acquiescence, the sum of 20,000 livres, loaned him, this day, by the Sieur de Grandpré; which sum Sieur Dauterive promised and obligated himself to return and pay back to Sr. de Grandpré, or to his heirs, or to his constituted attorney, at La Rochelle, such payment to be made in gold or silver currency in use as legal tender at that place and at that time; in security whereof he granted a mortgage on all his property, movable and immovable, present and future, taking up, for the purpose of said mortgage, his irrevocable domicile at the residence of Mr. Vincent Bureau, where he consented that all acts and documents required and necessary to the execution of these presents be executed and served, such being the agreement reached by the contracting parties.

Done and passed in the Notarial Office of this city, on December 11, 1760, in the morning. Witnesses: Sieurs Antoine Thomassin and Marin Le Normand.

(Signed): Grandpré; Dauterive; Lenormand; A. Thomassin; Chantalou, Notary.

(**Translator's Note:** No date is fixed in the above contract for the repayment of the loan.—G. L.)

An obligation for 10,000 livres, in letter of exchange, is offered and accepted as part payment of the above obligation, which shall be entirely extinguished by the end of 1764. Sr. Maxent is presented as surety.

July 27, 1762.—This Day, July 27, 1762, before the Royal Notary of the province of Louisiana, residing in New Orleans, personally appeared Messieurs Bernard Dauterive, Captain of a Company of the detached Marine Troops garrisoned in this city, and Louis Boucher de Grandpré, Knight of St. Louis, Captain of a Company of the said troops, who expressed his acceptance regarding an obligation accepted by Mr. Pierre Marquis, Lieutenant in the Fourth Company of the Swiss Regiment De Halwill, said obligation consisting of a letter of exchange for the sum of 10,000 livres, payable in France, which is presently transferred to Sieur de Grandpré by Sieur Dauterive, who is, therefore, validly discharged, to that extent, of the above obligation of 20,000 livres. Sieur Dauterive promised and obligated himself to pay back and liquidate the remaining

indebtedness of 10,000 livres within the year 1764; and, as a greater security, he presented Sieur Gilbert Maxent, merchant of this city, who promised to pay the said sum of 10,000 livres himself, in default or refusal of payment by Sr. Dauterive, taking up, to this end, his domicile in this city, where he agreed that all acts necessary for the execution of these presents be performed and served.

(Signed): Dauterive; Maxent; Grandpré; Chiron; Bary; Broutin, Notary.

(**Translator's Note:** It is manifest that Chiron and Bary signed as witnesses, although no statement to this effect appears in the act.—G. L.)

December 17.

2 pp.

Petition by de Grandpré for order to Chantalou, Notary, to issue copies of documents, which were refused on personal request of petitioner.

Petition to Mr. De Rochemore, Commissioner General of the Marine, Ordonnateur and First Judge of the Superior Council of Louisiana, by Mr. de Grandpré, Knight of St. Louis, Captain of a Company of the detached Marine Troops garrisoned in this colony, acting in the name and under procuration of Dame Francoise de Coulange, widow of the late Monsieur D'Auberville, in his lifetime Commissioner of the Marine and Ordonnateur, stating: That, having called upon Mr. Chantalou, Notary, for the purpose of securing copies of two acts of sale, that said Dame widow D'Auberville executed in favor of the late Mr. de Pontalba, on September 22, 1757, and to Mr. Villars Dubreuil, on May 16, 1758, said Mr. Chantalou refused to issue said copies, claiming that copies of said acts had already been given to Dame D'Auberville, and that he would not deliver another copy, unless ordered to do so by Mr. De Rochemore. Wherefore the petitioner prays that an order be issued directing said Sieur Chantalou to deliver to him, without delay, the copies of the aforesaid acts of sale; and that in default of his doing so, that he be compelled thereto by all proper and lawful means. (Signed): Grandpré.

Chantalou ordered to deliver collated copies of documents requested.

December 17, 1760.—Considering the above petition, We order Mr. Chantalou, Notary, to deliver to Mr. de Grandpré copies, duly collated, of the acts mentioned in said petition, as Madame D'Auberville had taken to France the copies that had been granted to her. (Signed): Rochemore.

(**Translator's Note:** The preceding documents are all that remain in the file for the year 1760, which is a very scanty presentation.—G. L.)

May 2, 1761.

Session of the Superior Council of May 2, 1761. Present: Messrs. De Kerlérec, Governor; De La Lande, Councillor Assessor,

Session of the Superior Council.

acting Procureur General of the King; Kernion, Councillor Assessor; and de la Chaise, also Councillor Assessor.

Judgments rendered:

Fuselier vs. Demandeville.

1. Between Sieur Fuselier, plaintiff, and Sieur Demandeville, defendant: Considering the default taken against the defendant on April 4th last, the Council, having heard the conclusions of the Procureur General of the King, confirmed the default against the defendant, for non-appearance, and condemned him to pay to the plaintiff the sum of 3982 livres, 16 sols, and 8 deniers, according to the latter's petition, and costs.

Boyau vs. Daigle called Malbroug.

2. Between Vincent Boyau, plaintiff, and Etienne Daigle called Malbroug, defendant: Considering the demands and defenses of the parties, the Council referred them to the Governor and Ordonnateur, who had jurisdiction over this cause.

Widow Conrad vs. Dame Trudel.

3. Between Widow Conrad, plaintiff, and Dame Trudel, defendant: Having read the demands and defenses of the parties, and having heard the parties and the conclusions of the Procureur General of the King, the Council ordered Dame Trudel to pay to the plaintiff the sum of 294 livres specified in the bond, and to pay the costs.

Timier vs. Maroteau.

4. Between Timier, plaintiff, and Maroteau, defendant: Considering the petition of the plaintiff, and having heard the parties and the conclusions of the Procureur General of the King, who established the existence of the lease, the defendant is ordered to pay the sum claimed by the plaintiff, with costs.

Blache vs. Jautard.

5. Between Sieur Blache, plaintiff, and Sieur Jautard, defendant: Considering the petition of the plaintiff, and the parties having been heard, by the plaintiff's consent, the Council condemned the defendant to pay, within one year, the sum of 12,537 livres, 12 sols, and 6 deniers, represented by his promissory note. Costs to be paid by the defendant.

Durieux called Dupré vs. Hardy de Boisblanc.

6. Between Durieux called Dupré, plaintiff, and Sieur Hardy de Boisblanc, defendant: Considering the order of April 4th last, the investigation made at the request of the parties, and the other documents hereto attached; and having heard the defendant and the conclusions of the Procureur General of the King, the Council condemned and does condemn the defendant. . . . (The document, of which only two pages remain, ends here. It is in bad condition, with one piece missing, and the ink so pale as to make it difficult to read.)

July 4.

Delalande, acting Procureur General of the King, petitions the Superior Council for order compelling the Sheriff to serve the interested parties with petitions and defenses, in opposition to an order of Rochemore, Commissioner Ordonnateur, forbidding the Sheriff to serve such documents until they shall first have been submitted to him.

To Their Excellencies of the Superior Council of the province of Louisiana: Sieur De la Lande, Councillor Assessor, acting Procureur General of the King, has the honor to represent having heard: That Monsieur De Rochemore, Commissioner Ordonnateur in this province, has forbidden the Sheriff of the Superior Council to serve demands and defenses on parties litigant before the Council, unless such documents are previously submitted to his examination; that Monsieur De Rochemore also has kept several of such documents, in order to prevent them from being served; and in particular, during the past several days, one petition of Sieur Fuselier, merchant of this city, and one petition of Claude Bauby called Beausoleil, praying for an accounting from a tutor; that such tactics is causing discontent and may give rise to disturbance both in commerce and among families. Wherefore said Sieur Delalande prays that it may please Your Excellencies to order the Sheriff of the Council to serve all the interested parties with the demands and defenses, under penalty of paying them damages with interest, without submitting the said documents to Monsieur de Rochemore, who may see the same when he attends the sessions of the Council, a practice he has neglected to follow, without cause, for over eighteen months. (Signed): Delalande.

Petition granted.

July 4, 1761.—Considering the above petition, the Council ordered and does order that the Sheriff of the Council must serve the demands and defenses of the parties, under penalty of paying them their damages with interest.

Given in the Council chamber on July 4, 1761.

(Signed): Kerlérec; Macarty; Huchet de Kernion; Delachaise; Delalande.

August 28.

18 pp.

Succession of Jacques Naigle and Anne Boyer. Judicial sale of community property.

Louis, by the grace of God, King of France and Navarre, to all who shall read these presents, greetings:

Be it known, that by virtue of the order of the Superior Council of the province of Louisiana, dated August 1, 1761, homologating the deliberations of the family meeting of relatives and friends of the minor children of deceased Jacques Naigle and Anne Boyer, wife, by second marriage, of Gabriel Soulard, said relatives and friends having been convened on July 21st last before Mr. De la Chaise, Councillor Assessor of said Council, Commissioner appointed in this case, in the presence of Mr.

De la Lande, also Councillor Assessor, acting Procureur General of the King; said order of homologation being to the effect that the said deliberations of the family meeting should be carried out according to their form and tenor.

Wherefore it is ordered that all the personal property and the real estate of the succession and community between the said late Jacques Naigle and Anne Boyer shall be disposed of by judicial sale, according to the usual form of procedure, under the supervision of said Commissioner and in the presence of the Procureur General of the King, and that the proceeds shall be divided among the co-heirs; and, on the petition of Francois Naigle, emancipated minor son of said late Jacques Naigle and Anne Boyer, duly authorized by Jean Monget called Lalime, his curator and tutor of Jacques Naigle, minor son of said deceased, all residing in this city, notice was posted in all the customary places of the city by Sheriff Marin Lenormand, according to his proces-verbal of August 9th, stating that on the 14th of the same month, at the Registry, will be received the first bids for the sale and adjudication, without reserve, to the last and highest bidder, of a piece of ground with no buildings thereon, together with all its appurtenances and servitudes, belonging to the said succession and community, measuring about sixty feet front, by a depth of one hundred and fifty feet, situated in the rear of the city, adjoining on one side the property of Francois Naigle and on the other side the property located on the corner of St. Louis Street, belonging to the said succession; the said sale to be made according to the following terms: cash, together with the payment of judicial costs.

First auction of a piece of ground measuring 60 x 150 feet, with no building thereon.

And on said day, August 14, 1761, at four o'clock in the afternoon, numerous bidders being gathered at the Registry, before Sieur de La Chaise, Commissioner in the case, and in the presence of Sieur De La Lande Dapremont, acting Procureur General of the King, the conditions of sale were read, in a loud and audible voice, by the auctioneer Sheriff. Then Sieur Jean Monget called Lalime came forward and offered a bid of three hundred livres for the said piece of ground. And, no other bids having been presented, it was ordered that new advertisement be made for a second auction to take place on the following Friday, 21st of the same month, at four o'clock in the afternoon, on the same conditions and clauses.

Second auction.

On the said day the first bid of three hundred livres, of Sr. Monget called Lalime, was covered by Jean Montenary, who offered four hundred livres. No higher bids having been offered, the advertisement for the third auction was ordered; and the sale took place on the 28th of the same month, with the following bids: By Sieur

Third and final auction and adjudication to Sr. Ducros, for 2930 livres.

Chiron, one thousand livres; by Sr. Doriocourt, twelve hundred livres; by Sr. Bigeon called La Violette, fifteen hundred livres; by Sr. Riviere, eighteen hundred livres; by Sr. Ducros, two thousand livres; by Sr. Doriocourt, two thousand and one hundred livres; by Sr. Ducros, two thousand and two hundred livres; by Sr. Doriocourt, two thousand and three hundred; by Sr. Ducros, two thousand and four hundred; by Sr. Doriocourt, two thousand and five hundred; by Sr. Ducros, two thousand and six hundred; by Sr. Doriocourt, two thousand and seven hundred; by Sr. Ducros, two thousand and eight hundred; by Sr. Doriocourt, two thousand and nine hundred; and by Sr. Ducros, two thousand nine hundred and thirty livres. And no other bids having been offered, with the consent of the interested parties and of the Procureur General of the King, the said piece of ground was adjudicated definitively and unconditionally to Sr. Ducros, as the last and highest bidder, for the said sum of two thousand nine hundred and thirty livres, which he paid in cash into the hands of the Clerk, together with all the judicial costs; by means whereof he became lawful possessor of said piece of ground, which he will keep and enjoy in full ownership.

New Orleans, August 28, 1761.

For the Council. (Signed): Chantalou, Clerk.

(**Translator's Note.**—This document is a certified copy, paraphed at the top and bottom of each page. It is well preserved, and the handwriting is clear.—G. L.)

October 7.

3 pp.

Separation Agreement between Mr. Populus, Captain of Infantry, and Dame Jeanne Kerouret, his wife.

Separation Agreement between Mr. Populus, Infantry Captain, and Dame Jeanne Kerouret: husband and wife.

First: Monsieur de Populus promised and obligated himself to pay her annually in advance the sum of twelve hundred livres, the first year to start from today;

Second: he shall pay each year to his wife four hundred and fifty livres worth of flour, to be delivered by the baker upon his order;

Third: he shall give her fifteen cords of wood each year;

Fourth: he provided her with three slave servants, named Lamire, Dondenne and Magdeleine, but she has no right to sell them without his authorization;

Fifth: he shall give her, each year, forty barrels of corn; and obligated himself to have his said wife and her slaves treated by his doctor, at his expense, in case of illness, and to furnish them with all necessary medicines;

Sixth: the furniture shall be divided in equal shares between them.

These conditions having been accepted by his wife, she shall have no right, under any pretense whatever, to enter her husband's house, even during his absence.

His said wife shall live in the house that Sr. Populus bought from Sr. Du Broca, which is divided from Sr. Populus' house by a fence of standing pickets. It is understood that this clause shall apply to Sr. Populus also, who shall not have any right to enter his wife's house.

Sr. Populus promised and obligated himself to observe and carry out the present agreement, which was accepted by his said wife of her own free will, she herself having proposed such a plan in order to settle and adjust their matrimonial affairs amicably, and to secure her peace and tranquillity, as she proclaimed to the public.

And since Sr. Populus cared so much for his own peace, after so much suffering with his said wife, he wanted and requested that the present document be sent to the Registry of Mobile, and a certified copy be made to be sent to New Orleans to be homologated by the Superior Council of this province, so that it may acquire full force and effect.

And it was signed by Sr. Populus and his wife, in the presence of Monsieur Develle, Knight of St. Louis, Major Commander of Mobile, and of other witnesses, at Mobile on October 7, 1761.

(Signed): Populus; Jeanne Keroute; Develle; Fr. Ferdinand, witness; A. Delaronde, witness.

The document is torn and two pieces are missing.

(*Translator's Note:* The few documents listed in the preceding pages are all that remain in the file for the year 1761. — G. L.)

(To be continued.)

INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA

LXIV.

March, 1784.

(Continued from October, 1939, Quarterly)

By LAURA L. PORTEOUS.
(With Marginal Notes by Walter Prichard)

Spanish officials appearing in this installment:

Esteban Miro, Colonel of the Fixed Regiment of Infantry of this Place and Governor, ad interim, of the Province.

Alcaldes: Francisco Maria de Reggio; Joseph de Orue (1786); Pedro Chabert (1787); Joseph Foucher (1788).

Escribanos: Fernando Rodriguez; Rafael Perdomo.

Juan Doroteo del Postigo y Balderrama, Auditor of War and Assessor General of this Province.

Luis Lioteau, Judicial Accountant and Official Taxer for Costs of the Court.

Juan José Duforest, Official Interpreter and Translator.

Fernando Rodriguez, Notary Public.

Attorneys: Francisco Broutin; Pedro Bertonière; Leonardo Mazange; Santiago Felipe Guinault.

Appraisers: Adrian Joseph de la Place; Andres Wackernie.

Witnesses: Santiago Lemaire; Salbador Toledo; Miguel Gomez; Joseph Becat; Felipe Guinault; Santiago Lamothe; Guillermo Marre; Julien Vienne; Pedro Gonzales Villamil; Manuel Galvez; Luis Lioteau; Juan de Castenado; Pedro Cowley.

March 2, 1784.

Alexandro Bore (Baure) vs. Pedro Villamil. To collect a debt.

No. 85. 5 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.
Escribano, Rafael Perdomo.

This suit to collect the unpaid balance on a note contains nothing of special interest either in procedure or in the exhibits.

The first entry is a memorandum to the effect that the obligation filed on page 1 of this record has been delivered to Alexandro Bore (Baure) in accordance with a decree rendered on page 3. The plaintiff has drawn up a receipt for same. In testimony whereof the present is set down and attested to by Rafael Perdomo.

Alexandro Baure petitions to say it is evident from the note duly filed that Pedro Villamil owes him 335 pesos as a remainder and final payment still due, and although he has reminded the defendant several times he has not been able to collect the unpaid balance. Therefore, he prays to have his opponent ordered to verify his signature and acknowledge the debt, and done deliver his deposition to him so that he may use it to enforce his rights. Governor Miro rules: The note having been presented, let the maker of it swear and declare as requested. Entrust the taking of this deposition to the Escribano, and done deliver it to Mr. Baure.

On October 19, 1785, in a second petition, the plaintiff sets forth that the defendant has offered to pay the sum demanded and to retire his note. Therefore, may it please the Court to order the present Escribano to deliver it to him and he will promptly draw up the necessary receipt to be placed at the end of these proceedings. Governor Miro, on Assessor Postigo's advice, decrees: As it is prayed. Let the costs be taxed, which must be paid by this party.

Baure's receipt reads: On the same day, pursuant to the foregoing decree, the Escribano delivered the note, filed at the beginning of this suit, to Alexandro Baure, which he acknowledges to have received and draws up a receipt for same and signed it before Rafael Perdomo, Clerk of the Court.

Luis Lioteau was then notified in person. He said he accepted and did accept, and swore by God and the Cross, according to law, to proceed well and faithfully with the taxation he has been ordered to make.

On October 10 (20 ?) Luis Lioteau taxes costs at 4 pesos 1 real.

March 3.

Francisco Pousset vs. Francisco Marmillon. To settle accounts.

No. 109. 14 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.
Escribano, Rafael Perdomo.

This suit, brought to enforce settlement of accounts arising out of a commercial venture, contains much of interest to the student of economic and social history of Spanish Louisiana. Most of the accounts in question arose from a slave-trading venture, and it contains information on rates of interest, insurance premiums on marine risks between New Orleans and the West Indies, rates of brokerage and commission, price of indigo, cost of clothing and food for slaves, transportation charges for slaves by sea and from New Orleans to the German Coast, prices at which slaves sold in Louisiana, names of persons who purchased the slaves, and several other items of interest to the historian.

The plaintiff presents five exhibits; the first, written in French, is entitled:

Account of Interests

The proportion of credit of Marmillon & Co.		4082
Idem, Francisco Pousset.		1754
		5836
Interest charged upon the account of Thompson & Campbell	174	
Interest adjusted according to their accounts.	114	
Difference	60	
Upon which there is for the account of Marmillon & Company.		42
Idem for Francisco Pousset.		18
Remainder		60

Account for Assurance

	L 170	15		
Deduction	61	13	9	making in Jamaican
	L 109	1	9	money 327

For the account of Marmillon & Company	228:6
Idem for Francisco Pousset	98:2
Remainder	327:

As the above amounts are owed to Thompson & Campbell and are charged to Francisco Pousset's account, Marmillon & Co. owe the above said amounts to Francisco Pousset, namely:

The difference of interests	42	
Proportion of Assurance	228 . . 6	270:6

With interest due after October 21, 1783. To be adjusted.

The second exhibit, also in French:

Messrs. Pousset & Marmillon owe to Thompson & Campbell:

1783

For a remainder due on his note		L20:7:5
For Premium, Policy and Commission of L 2000 insured on one or more ships of the Mississippi for Jamaica at 8% with liberty to go to Havana.		170:15:
		191: 2:5
For insurance on one or more ships	L 2000	
For same on the ship Amelia	1496:15:4	
Balance of the Insurance, not remitted	503: 6:8	
Net premium on L 503:6:8 at 8%	38: 5	
The same at 2% upon L 1496:-13:4 for not having gone to Havana...	28:13:9	
	66:13:9	
		61:13:9
For deduction of ¼ % of L 2000 for commission and brokerage	5	
1783, October 21, due Thompson & Campbell on interest		129: 8:8
1783, April 1, Copy of the note of Messrs. Pousset & Marmillon		L 1958:18:11
September 21st, for interest up to the 5th of the month which makes 20 days.		L. 55:10:1
		L.2014: 9:
Received by the ship Amelia ..... pesos 4236		
Idem 254		
pesos 4490 which makes		1496:13:4
		517:15:8
October 21st, interest to this day which makes 1 month		2:11:9
		520: 7:5
Received on supposed value of the indigo shipped 1500 pesos which makes		500:
Balance due upon your note		20: 7:5

The third exhibit is a copy of a letter, written in French, sent by Francisco Pousset to Messrs. Marmillon & Mercier, dated New Orleans, February 23, 1784, wherein the writer says he is enclosing the account of Messrs. Thompson & Campbell of Jamaica, lately received and translated into French so as to be better understood. He informs the recipient that when the said gentlemen advanced them this large amount, it was expressly stipulated by them and agreed to by the writer, to insure this sum both going and coming, as is customary among merchants.

The insurance from Jamaica here was known to us before we left there, but for the return the said insurance could not be sent from here by us, when the sum was remitted, because we did not know the exact amount. I have extracted from the accounts of Messrs. Thompson & Campbell the true statement of what concerns us both for insurance and interest.

When you, together with Messrs. Francisco Marmillon & Claymorgan, sent the money by Captain Henderson the interest was computed for four months only, as will appear by the account, but on the interest due Messrs. Thompson & Campbell, at the time the money was received by them, five months and twenty days had elapsed.

When agreeable to you, please verify the original accounts, which are in English. If there will be any difficulty, or any other necessary explanation, I shall assist you in this respect with much pleasure.

I shall be very much obliged, if you will remit, without delay, this balance of 270 pesos 6 reales, in hard silver, with the interest and insurance due, because I shall have to send the money to Jamaica at my first opportunity.

I am with respect etc.

[Signed] F. Pousset.

The fourth exhibit is a letter, written in French, dated New Orleans, February 26, 1784, sent by Mr. Mercier to Mr. Pousset. It reads, in translation: I have received the letter that you have sent me dated 23 current, enclosing an account, but as I have no knowledge of this affair, and it being entirely foreign to me, it will be necessary for you to await the arrival of Mr. Marmillon, Jr., who you doubtless know has gone to Illinois and will not return until the last of the year. This is as much as I can tell you, and in the meanwhile I have the honor to be very sincerely,

Sir, Your most humble servant,

Mercier.

The fifth exhibit is an English translation of the second, apparently the original sent from Jamaica.

The case proper opens with Francisco Pousset's petition to the effect that it is evident from the accounts, duly presented, that Francisco Marmillon & Company owe his clients, Thompson & Campbell, the sum of 270 pesos 6 reales, together with interest and insurance according to the customs of commerce, for reasons set forth in the said accounts, namely a shipment of negroes, which the abovesaid firm has sold in conformity to an agreement made with them and approved by the petitioner, who states that the transaction was as much for him as for Marmillon & Company, as may be proven from the documents, and considering the said amount is legitimately due Thompson & Campbell, he prays the Court to order Mr. Marmillon to pay the 270 pesos 6 reales, without delay, together with the interest and insurance stipulated in the accounts, because they are in accordance with the contract drawn up at the time the negroes were purchased and under the conditions they were delivered to them. Governor Miro rules to send this petition to the Auditor, so that he may consult him as to what will be lawful. On March 6, 1784, Esteban Miro, on Juan del Postigo's advice, decrees: Let Juan Josef Dufore (Duforest) translate the documents presented, after he has followed the customary formalities, and done return the records to the Court. This ruling is followed by Juan Jose Duforest's Spanish translation of the four French exhibits. However, previous to making the said translation, the official Court interpreter is duly notified and qualifies. When rendered into Spanish the records are sent to the Governor General, and upon the advice of his Auditor they are sent to Francisco Marmillon.

The next entry is an account which reads:

Account current between Francisco Marmillon & Company and Mr. Francisco Pousset, because of eighteen negroes taken on credit from Thompson & Campbell, of Jamaica, and for two other slaves that remain to be divided, the product from the sale of same to be apportioned among the interested parties, each one according to his investment, namely:

Credit

For what Marmillon & Company and Mr. Pousset owe Thompson & Campbell according to current accounts.	5392:
Insurance and Commission as per said accounts	330:1
Interest from April 1st to August 1st @ 6% per annum upon 5722 pesos 1 real, makes 4 months	114:3
	5836:4

Debit

The product of the sale of the negroes on the reverse side of this page, deductions made for expenses.		4505:4
For the product of the odd number of negroes according to the account rendered afterwards.....		673:
	Pesos	5178:4
Balance, with the difference carried, as follows.....		658:
		5836:4

Balance from the above to be charged as follows, considering that the loss, or profit, must be divided among the following:

To Mr. Pousset for his share of the difference.....		196:5
To Mr. Pedro Marmillon.		101:2
To Mr. F. Marmillon, in particular.....	80:	
For the Brigantine Jason.....	281:1	
		360:1
	Pesos	658:

For the one-half of this sum has to be returned to Francisco Pousset, considering that he must pay jointly with Francisco Marmillon.....		329:
Deduct what F. Pousset owes for his part of the difference.		196:5
		132:3
For what is owed to Mr. Pousset by Francisco Marmillon particularly for the balance when he has had his share of the negroes.....		72:2
Owes to Mr. Pousset.....		204:5

Save error and omission, the present current account drawn up in duplicate between us, by which it is acknowledged that Mr. Pousset has received the one-half of the product on the reverse side of this page, amounting to the sum of four thousand five hundred and five pesos four reales, as well as the two hundred and four pesos five reales that come to him from the product of all the negroes bought on credit from Messrs Thompson & Campbell, in Kingston, for which we have agreed, respectively, and to all accounts up to this day. New Orleans, July 6. 1783. In place of the sum above stated, all Mr. Pousset has received is the sum of one thousand five hundred and sixty-seven pesos seven reales, which comes to him as his share.

Francisco Marmillon.

Statement of the expenses incurred, on account, for the eighteen negroes mentioned on the other side of this page from the day they left Jamaica, on the Brigantine, until the day of their sale, in New Orleans, as also for the two negroes that remain to be divided, namely:

For clothes supplied by the Brigantine Jason to the negroes, that must be paid back according to the contract of May 16th last. Pesos		72
For the passage of the eighteen negroes mentioned on the other side of this page, at the rate of 30 pesos each, according to the conditions by written agreement of the 5th of last April		540
The same for the negroes that remain to be divided and sold, the product to be apportioned to each one according to the amount invested, as was agreed among us, on the 16th of last May		160
The same for seven negroes who died on the voyage, on account for the abovesaid negroes taken on credit in Jamaica, it was agreed to make the passage one-half.		105
For food for the eighteen negroes bought on credit and for the two left over to be sold and the funds realized from the sale divided, from the 20th of last May, the day the Brigantine arrived at the levee, until June 4th, when the said negroes left the city to be sold at the German Coast, at the rate of 2 reales a day, according to written agreement of the 10th of last February.		70
Expenses incurred to send the slaves up to the German Coast:		
For the rental of a boat—at 1 peso	15: –	
For the hire of 5 negroes—at 7 pesos each	37: 4: –	63:6
For the boss, at 6 reales a day	11: 2: –	
For 1 barrel of meat	10: –: –	
For 100 pounds of biscuits	12: –: –	
For 20 loaves of fresh bread	2: 4: –	
For 36 small bottles of wine	9: 2: –	
For brandy.	9: –: –	72:6
For 2½ barrels of rice	15: –: –	
For 1 barrel of peas	5: –: –	
For 1 sheep.	5: –: –	
For milk and eggs	5: –: –	
Expenses for the sick while in the city:		
For 56 pounds of biscuits	6: –: –	
For 4 barrels of rice	6: –: –	
For 4 barrels of peas	5: –: –	39
For heads of bullocks and fresh meat	20: –: –	
Charged to Mr. Mercier's account for several negroes bought on credit		40:–
		1060:4

Account of sale and net product for the negroes and negresses, taken on credit by Messrs. Marmillon and Pousset from Messrs. Thompson & Campbell, merchants of Kingston, namely: .....Cash received

2 to Daupin.	700 ps.	
1 to Claymorgan.	300.....	300
1 to Hubert.	270.....	270
1 to Duverger.	350.....	350
1 to Fides	260.....	260
1 to Robert.	250.....	150
1 to Marmillon, Sr.	330.....	330
1 to Pallet	330.....	330
1 to Cristofe.	300.....	100
1 to Bourgeois.	320	
1 to Juan Roger.	340	
1 to Bugeol	330	
1 to Daniel Norman	245	
1 to Zacharie	230	
1 to Suphia.	280.....	180
1 to Soubise.	275.....	275
1 to Rosa Baumon, a free negress, who is ill, sold with a guarantee until perfectly cured.	340	
18 head of negroes	5450	2545

For what was due to the credit where it concerned the division of the eighteen negroes for the full amount of this sum, according to the statement drawn up between us the 16th of last May, and that Pedro Marmillon, in particular, must pay. 116

5566

Deduct the full amount of the expenses charged in detail on the other page. 1060: 4

Net product of the sale.....Ps. 4505: 4

Deduct from the amount received in cash, the amount of the expenses that it will be necessary to liquidate. 1060: 4

Net Balance of the cash money.....Ps. 1484: 4

Account of sale and net product of the negroes that remain over and that must be divided between Marmillon & Company

and Francisco Pousset, according to the money each one has invested, namely:

1 to Juan Pedro	340	
1 to Isaac Leblanc.	315	
For the full amount of what Mr. Marmillon owes on his own account, according to the statement drawn up jointly the 16th of last May, from which it seems that he had received the sum of 90 pesos 2 reales, and the rest to be divided upon the mass	18	673
Statement of the amounts for each one in particular, as is said in the above accounting:		
Placed by F. Pousset for the purchase of negroes.		2735
The same for Pedro Marmillon		1400
The same for F. Marmillon in particular	1108	
The same for the product of the freight of the Brigantine.	3858	4966
		9101 Ps.

Francisco Pousset petitions to say that for ends that may be convenient to him he prays to have the present Escribano supply him with a certified copy of the accounts which he filed with these proceedings, translated on pages from 9 to 10, to be drawn up in public form, in a manner that may have credit, and he will promptly pay all fees. Esteban Miro, on Postigo's advice, rules: As it is prayed.

A marginal note specifies that in virtue of the foregoing decree he drew up a certified copy, as requested, on three sheets of paper, which he delivered to the party, to which the Escribano attests. (Signed) Perdomo.

March 5.

Joseph Villars vs. the Succession of Pablo Lacour Dubourg, to collect a debt.

No. 3311. 22 pp.

Court of Alcalde Francisco Maria de Reggio.

Assessor, Juan del Postigo. Escribano, Fernando Rodriguez.

By pagination, it is apparent that this record once formed a part of another. Pages from 1 to 19 bear a second numbering, namely: 316 to 334.

The plaintiff presents three certified copies of Notarial Acts, as exhibits. The first, a declaration, reads, in part: In New Orleans, April 14, 1783, before Notary Fernando Rodriguez and witnesses, appeared: Pablo Lacour Dubourg, who said that in remuneration for services he has this day received 3000 pesos from Joseph Villars, Commissioner in

This suit to collect a debt from a succession involves the matter of the debt being a privileged one, since it represents a mortgage. The procedure is further complicated by the fact that there are apparently more debts against the succession than there are funds available to settle them. The case drags out for over two years before final settlement is made.

this Colony for His Most Christian Majesty, lent without premium or interest, and that in appreciation of this favor and to contribute to the health and comfort of the said Mr. Villars, who wishes to retire to the country, he has placed the Dubourg plantation at his disposal, which has already been mortgaged to him, so that he may live there while the debt remains due. The rental that should be paid will be considered as interest on the loan. As a further condition, there is an understanding that Mr. Villars may work the said plantation, during the time he occupies it, as may suit his convenience.

The second is a mortgage, to the effect that in New Orleans, June 9, 1783, before Fernando Rodriguez and witnesses, appeared: Pablo Lacour Dubourg, who said he obligated himself to pay Joseph Villars 550 pesos during the month of June of 1784, which was lent to him without premium or interest. He acknowledges to have received this amount, and because delivery is not made now he renounces the exception of non numerata pecunia and draws up a formal receipt, by which he promises to pay the said Mr. Villars at date named without any law suit.

The third is also a mortgage, dated April 14, 1783, and was drawn up by Fernando Rodriguez, before whom Pablo Lacour Dubourg appeared to acknowledge that he has received 3000 pesos from Joseph Villars, lent without premium or interest, which he has agreed to pay back to the latter, his heirs or assigns, within one year, which will begin to be counted from the day on which Peace will be declared in this city. For the fulfillment of this obligation, he mortgages his present and future estate and promises not to alienate the said plantation, situated on the other side of the river, facing the city, adjoined on one side by the King's Warehouse and on the other by a plantation belonging to Messrs. San Cartier and Bernoudy.

With these three exhibits as a basis for his suit, Joseph Villars avers that it is evident from these documents that the estate of the late Pablo Lacour Dubourg owes him 3550 pesos, and considering that according to the said documents his debt is privileged, he prays the Court to order it paid before those of the other creditors, from the proceeds of the property sold. Alcalde de Reggio rules: The documents this party mentions having been presented, let them be placed with the records of the Concursus of Creditors.

On August 10, 1784, Joseph Villars again petitions, this time to say that by decree rendered to his foregoing request he was ordered to file his suit with the records of the Concursus

of Creditors, and whereas the greater part of the Dubourg property has been sold for cash, he demands to be paid the 3550 pesos due him, because his debt is privileged. The Court orders the above sent to Francisco Broutin.

On August 23, 1784, Francisco Broutin, Curator ad lites to the Dubourg minors, sets forth that in order to answer the petition sent to him, may it please the Court to have a certified copy of the sale of the late Mr. Dubourg's plantation, bought by Joseph Villars, delivered to him. Alcalde de Reggio rules: As it is prayed.

The certified copy of the auction sale of the Dubourg property is dated April 5, 1784. Alcalde Francisco Maria de Reggio holds the auction in the presence of Francisco Broutin, Curator ad lites to the minors; Pedro Bertoniere, empowered to act for Celesta Peris, Widow Dubourg; and the Escribano. His Honor ordered the property left by the said Mr. Dubourg cried, and in fact the Public Town Crier of this city offered several negroes and two plantations for sale, with the condition that payment must be made within 18 months, purchaser to give bond. Joseph Villars bid 2200 pesos on one of the plantations, measuring 450 feet square, upon each face, with a garden, a main house, and other edifices, situated on the west bank of the River, facing the city, adjoined on one side by Mr. Bourgand's property and on the other by a plantation belonging to one named Sanguartier (San Cartier). This offer was accepted. At this point the bell rang for 12 o'clock, so the Alcalde ordered the Town Crier to say that because no other bids were made for the two plantations and the negroes, all were adjudicated to Mr. Villars, who obligates himself to comply with all the conditions of the sale.

Francisco Broutin now answers, saying that as appears from the written extract of the public sale, Joseph Villars must pay the estate 2200 pesos within the first five days of October, 1785. Instead of payment, however, deduct this amount from the 3550 pesos, the sum of the two mortgages, and there remains 1350 pesos which is due him; but as there are no funds to pay the privileged debts, he hopes the plaintiff will be kind enough to take this first sum on account for his debt and consent to be paid the remainder according to the privileges of his written Acts. Alcalde de Reggio orders the above sent to Joseph Villars.

In a second petition Francisco Broutin sets forth that the Court ordered his last petition sent to Mr. Villars, but considering he makes his home on his plantation, he prays for a writ of citation notifying him of the foregoing decree and to entrust the delivery of same to any competent person. The Court rules accordingly.

The Writ apparently was never issued. Nothing further is done until May 5, 1786, when Joseph Villars petitions to say that at the time of his last representation there was not sufficient money belonging to the Dubourg inheritance to pay him the 800 pesos still due. Funds belonging to this succession have since passed into the keeping of the testamentary executor of the deceased, therefore he prays to be paid the said 800 pesos that remain as a final payment. Joseph Orue, on Juan del Postigo's advice, rules: Let the guardian of the property of the Dubourg succession pay this party the amount he claims.

The receipt is dated New Orleans May 6, 1786. It reads: That before the undersigned Notary and witnesses, appeared: Joseph Villars who acknowledges to have received from Pedro Bertoniere, Testamentary Executor of Pablo Lacour Dubourg, in accordance with the foregoing decree rendered by Joseph de Orue, 800 pesos owed to him by the Dubourg succession. He draws up a formal receipt for this amount, which he signs, together with the witnesses, Santiago Lemaire, Salbador Toledo and Miguel Gomez, residents of this city, here present. (Signed) J. Villars. Attested to before Fernando Rodriguez.

Costs of the case are taxed by Luis Lioteau at 15 pesos 3 reales, on May 21, 1787.

[**Note:** See November 27, 1783, Concursus of Creditors of Pablo Lacour Dubourg and other suits filed against the Dubourg Succession during the years 1783 and 1784. — L. L. P.]

March 10.

Juan Surire vs. The Pablo Dubourg Succession, and other suits, to collect several debts.

No. 3296. 35 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

This suit to collect a debt due by a succession affords an excellent illustration of the legal procedure in such cases. After validity of the debt and its amount are satisfactorily established, the Court

These four suits, bound together, at one time formed a part of another folio. The pages bear a double numbering, each case according to its entries, and the entire file from 246 to 280.

The first proceeding consists of 5 pages. It opens with the filing of Mr. Suriray's bill against Mr. Dubourg, which reads:

1782		
May 26th Money lent.	1918	L. 15
Sept. 2nd Money lent.	500	
Nov. 9th 75 rafter nails 2:10	187	10
1783		
July 4th Besides paying the Portuguese tailor for him.....	170	

orders the claim paid out of the proceeds of the succession.

July 11th For nails and iron work.....	20	12	6
3 hogsheads of biscuits at 60.....	180		
Livres	2976	17	6
	505		

New Orleans, February 24, 1784.

(Signed) Suriray Larue.

The plaintiff presents his bill and states it is evident from the above that the late Mr. Dubourg owes him 2976 livres 17 sols 6 deniers, and he prays to be paid from the proceeds of the estate. Alcalde de Reggio rules: This account having been presented, let it be sent to the Curator of the minors.

Francisco Broutin answers, to say that he knows this debt to be just, and he consents to the payment of it from the funds realized from the sale of the estate. Alferez de Reggio rules: To send the above to the defender of the widow.

Pedro Bertoniere answers, averring that Mr. Suriray's claim is just and known to be correct, therefore he prays the Court to order it paid from the proceeds. Francisco Maria de Reggio receives this petition, and on May 14, 1784, decrees: Let Augustin (Juan) Suriray be paid the sum of 2976 livres 17 sols 6 deniers that the Pablo Dubourg estate owes him, with a deduction from what comes to him when proration will be made. He must give a formal receipt for what he will receive.

The 2nd Suit. 12 pp.

Pedro and Joseph Dauphin vs. The Dubourg Succession.

This suit to collect a debt, after death of both creditor and debtor, affords an excellent example of procedure in such cases. For the student of economic history of Spanish Louisiana, there is interesting information on the price of shingles at that date.

The plaintiff presents four exhibits as a basis for his suit. The first is a receipt signed by Lacou(r) Dubourg, acknowledging to have received 11000 shingles from Mr. Jaque Doffin (Jacques Dauphin) on May 7, 1783. The second is also a receipt signed by Mr. Dubourg for 11000 shingles at the rate of 6 piastres per 1000, supplied by Mr. Jaque (Dauphin), dated May 4, 1783. The third is a certificate, dated May 17, 1784, signed Valantain Saulet, who declares that the late Mr. Lacour Dubourg has not paid Mr. Dauphin for the shingles. He has full knowledge of the transaction. In the fourth Thomas Saulet certifies that the late Mr. Dubourg has not paid Messrs. Dofin (Dauphin) for the shingles. He has full knowledge of the transactions and so has Mrs., the widow, Dubourg. May 18, 1784. (Signed) Th. Saulet.

Pedro and Joseph Dauphin petition, setting forth that the two notes and two certificates, duly presented, prove that

the late Mr. Dubourg owes Santiago Dauphin, their deceased brother, 232 pesos for 22000 shingles that he had supplied. And, whereas they were in partnership with him, they pray to be paid from the proceeds of the Dubourg estate. The Court rules: The certificates and notes that this party mentions, having been presented, let them be sent to the Curator ad lites.

Francisco Broutin answers, saying that to make the Dauphin claim legitimate, may it please the Court to order the widow of the deceased, under oath and without delay, to swear and declare whether she knows anything about the abovesaid gentlemen having supplied her late husband with 22000 shingles and whether Mr. Dubourg ever paid for them. And done, deliver her declaration to him. Alcalde de Reggio rules: Let Mrs. Dubourg swear and declare as requested; entrust the taking of her deposition to the Escribano.

On September 13, 1784, the Curator again petitions, this time asking to have the Court order the Escribano to go to the Dubourg plantation, where the widow lives, to take her declaration. Francisco Maria de Reggio rules: As it is prayed. Let the taking of it be entrusted to the Escribano.

On September 22, 1784, Celesta Pery (Perry or Peris), Widow Dubourg, made her declaration before the Escribano, who states that in virtue of the commission conferred upon him, he went to the Dubourg plantation where he received her oath, by which she promised to speak the truth, and examined upon the tenor of the plaintiffs' petition, said it seems to her that her husband, at the time of his death, owed Pedro and Joseph Dauphin 132 (232) pesos, the full amount due for 22000 shingles. (Signed) Widow Dubourg.

Francisco Broutin states that Celesta Perry's declaration has been delivered to him and that according to it the Dauphin claim has been proven, therefore he consents to its payment, with the debts due the other creditors, when proration will be made. Alcalde de Reggio rules: Send this petition to the defender of the widow.

Pedro Bertonière answers, stating that he offers no objections to the demand made, therefore he prays the Court to determine in conformity to what has been represented by the Curator. Francisco Maria de Reggio accepts the above, and on October 13, 1784, decrees: Whereas, with the consent of the parties, let the Dauphin Brothers be paid 132 pesos from the produce of the Pablo Dubourg property. This amount to be delivered to them when proration will be made. Upon receipt of payment they must give a quittance drawn up in due form.

The 3rd Suit. 5 pp.

Leonardo Mazange, in charge of the collections of the Claudio Jousset Laloire estate, petitions

Leonardo Mazange vs. The Dubourg Succession, to collect a debt.

This suit to collect a debt due by a succession involves the claim that the debt is a privileged one, and should be paid before the other claims against the succession are settled. After validity of the debt has been established, the Court orders it paid from the funds of the succession.

to say that the late Pablo Lacour Dubourg, at date of maturity, owes the succession he represents 560 pesos for a negro adjudicated to him at public auction when the Laloire effects were sold, and considering that the debf is lawful and privileged, he prays to have the guardian of the estate ordered to pay him the abovesaid amount. Alferez de Reggio orders this petition sent to the Curator ad lites.

Francisco Broutin consents to the payment of this debt because the deceased had declared it to be just and had also made a note of it in his book of accounts; therefore he prays to have it ordered paid. A receipt drawn up in due form must be given to prove that the money will have been received. The Court orders this petition sent to the defender of the widow.

Pedro Bertonière answers to the effect that he offers no objections to the payment of the Laloire debt, and he prays the Court to order in accordance with what the Curator has represented. Alcalde de Reggio accepts this petition, and on October 16, 1784, decrees: Whereas, with the consent of the parties, pay the sum of 560 pesos, from the product of the Pablo Lacour Dubourg estate, which his succession owes the Claudio Jousset Laloire inheritance. A receipt must be given for this amount.

The receipt. In the city of New Orleans, on the said day, month and year (October 16, 1784), before the Escribano and witnesses, appeared Leonardo Mazange, who is in charge of making collections for the Laloire succession. He hereby acknowledges to have received from Pedro Bertonière, Guardian of the Dubourg estate, the sum of 560 pesos which the said Dubourg owed the said Laloire. Mazange grants this formal receipt in favor of Pedro Bertonière, which he signs before Joseph Becat, Santiago Lemaire and Felipe Guinault, witnesses here present.

The 4th Suit. 14 pp.

Augustin Fabre & Company vs. the Pablo Lacour Dubourg succession, to collect a debt.

This suit to collect from a succession a debt contracted by the deceased for merchandise delivered to him is of interest to the student of legal history for the procedure followed in establishing

The first entry is a bill which reads: Mr. Dubourg, Jr., owes Lieutaud & Company for merchandise sold to and delivered to him, as follows: Namely:

June 18, 1782

2 pieces of Guinea (blue calico) at 14 ps. 4 es. ..... 29 P.

5 pieces of Bretagne (linen) at 5 ps.

the validity of the debt, and to the student of economic history for the prices at which the various commodities listed in the bill exhibited in the case were sold at that period in Spanish Louisiana.

	4 es.	27:	4	
	4 lbs. of thread from Rennes (Brittany) at 1 p. 4 es.	6:		
1783				
March 25				
	4 hogsheads of tobacco from Macouba at 2 ps.	8:		
	222 lbs. of cordage at 30 sols.	66:	5	
	50 lbs. of cordage at 30 sols.	15:		
	2 dozen goblets at 2 ps. 4 es.	5:		
April 8				
	462 pounds of tallow at 30 sols.	138:	5	
	181 lbs. of cordage at 30 sols.	54:	2–	½
April 29				
	50 lbs. of nails at 28½ sols.	15:	5	
May 2				
	50 lbs. of nails at 28½ sols.	15:	5	
May 27				
	1 barrel of godroon at 4 piastres.	4:		
June 23				
	8 axes at 2 piastres 4 escalins.	20:		
June 27				
	1 barrel of wine.	28:		
	1 case of oil.	8:		
	1 basket of anisette.	3:	4	
	1000 pounds of cork.	7:	4	
July 18				
	20 pounds of nails at 2 escalins and ½.	6:	2	
August 23				
	20 pairs of eye-glasses at 1 es. and ½.	3:	6	
	½ barrel of tar.	2:		
	20 pounds of nails for boards at 2 sols.	12:	4	
	30 pairs of eye-glasses at 1 es. and ½.	5:	5	
	20 pounds of nails at 2 escalins.	5:		
		487:	3:	½
	Received on Account.	281:	3	
		206:	–	–

We certify that the account given above is correct and true. New Orleans, February 24, 1784.

(Signed) Lieutaud Fabre & Co.

Augustin Fabre & Company petitions to say that the late Pablo Dubourg owes them 206 pesos. Therefore they pray the Court to consider the account duly presented and to order the debt paid from the product of the decedent's estate. Francisco Maria de Reggio orders this suit filed with those of the Concursus of Creditors, and in due time he will render a decision.

On April 30, 1784, Augustin Fabre makes a second petition, averring that since the Dubourg estate has been sold, he prays to have the debt paid from the proceeds. Alferez de Reggio rules: Let the above be sent to the Curator of the minors.

Francisco Broutin answers, saying the plaintiff has not presented anything except an account which was never acknowledged by the late Mr. Dubourg. He cannot consent to the payment of this debt. Therefore, he prays the Court to exclude this request until such time as Mr. Fabre makes his demand in a more legitimate form. The Court orders this petition sent to the defender of the widow.

Pedro Bertonière answers to say that Mr. Fabre has not proven his debt to be lawful. Therefore, he prays the Court to determine in conformity to what the Curator has requested. Alcalde de Reggio receives this petition, and on May 10, 1784, rules: Whereas, let this party prove the legitimacy of his demand, then a decision will be rendered.

Augustin Fabre answers, setting forth that he has been ordered by the Court to prove the legitimacy of his demands. To accomplish this purpose he prays to have Widow Dubourg and Santiago Lamothe, who both know about the debt, declare whether its contents is true and known to them, and also whether Mr. Dubourg died without paying the bill. Alferez de Reggio rules: Let Widow Dubourg and Santiago Lamothe swear and declare according to the tenor of the bill mentioned in the foregoing petition, and done return the matter to the Court.

The Escribano certifies that in virtue of the commission conferred upon him, he received Santiago Lamothe's oath, under which he promised to tell the truth, and upon seeing the bill filed on page 1, he answered that all the entries therein are correct and that Mr. Dubourg died without settling it. This is known to the witness because he lived in the same house with Mr. Dubourg. (Signed) Lamothe.

Francisco Broutin states that Augustin Fabre has been ordered to prove his demand to collect 206 pesos, and so as to verify this debt the Escribano was to take Mrs. Dubourg's deposition. Considering that she lives on the plantation, he prays the Court to send the clerk there to take her declaration. Alferez de Reggio rules: As it is prayed.

Fernando Rodriguez reports that on September 20, 1784, he went to Widow Dubourg's plantation, and in accordance with the commission conferred upon him received her oath, under charge of which she promised to speak the truth, and being examined upon the bill presented by the plaintiff, she said the only items on the bill that she knows about are the tallow and the cordage, but of the other entries she does not know whether or not her husband owes for them.

Francisco Broutin then petitions, alleging that Celesta Perry's and Santiago Lamothe's declarations have been presented to him, by means of which Augustin Fabre's demand to collect 206 pesos has been proven. In consideration of these depositions, he consents to the payment of this debt when proration will be made to settle the claims of the other Creditors. The Alcalde orders this petition sent to the defender of the widow.

Pedro Bertonière answers to say that he offers no objections to the payment of the amount Fabre & Company claim. Therefore, he prays to have it included with the debts of the other creditors when proration will be made. Francisco Maria de Reggio receives this petition, and on October 19, 1784, decrees: Whereas, let Augustin Fabre & Company be paid the 206 pesos that the Dubourg Succession owes him, subject to the discount that he must accept when proration will be made. He must give a formal receipt for the amount that will be paid to him.

On May 21, 1787, Luis Lioteau taxes costs at 37 pesos 3 reales.

March 21.

Proceedings brought by Pedro Taurriaca against Antonio Bowker, to collect payment on a note that has been lost.

No. 3298. 3 pp.

Court of Acting Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Fernando Rodriguez.

This suit, to collect a debt evidenced by a note which has been lost by the holder, illustrates the procedure employed in proving validity of the claim in question. As the proceedings stand here, they are unfinished.

This is a fragment; the only dates appearing are March 21 and 22, 1784, at the time the declarations of the transfer and of the loss of the original note are made. The first ruling, which is the last entry, is undated.

The suit opens with a statement written in French to the effect that Mr. Camus declares Mr. Toria (Tauriac) turned over the note mentioned on the other side of this paper to him for collection, and that same is now lost. This said note was signed by Antonio Bouker, for the amount stipulated, which must be paid by him to Mr. Tauriac. Camus' declaration is dated March 22, 1784.

On the reverse side of this page, Mr. Camus acknowledges to have received a note from Mr. Toriac, made in the latter's favor by Antonio Bouker, for the sum of 137 piastres 5 escalins, which he promises to collect and render an account of same to Mr. Tauriac when payment will have been made. Dated New Orleans, March 21, 1784.

Pedro Tauriac, a resident of the Post of Opelousas, now in this city, petitions to say it is evident from the documents duly presented, that Antonio Bouker made a note in his favor for 137 pesos 5 reales. This debt has been due for a long time, but still remains unpaid. The original has been lost or mislaid among Mr. Camus' papers, in whose custody it was placed for collection, as may be proven from the above documents. Mr. Bouker refuses to pay the amount stipulated, although he has been requested to do so several times. He always gives as his excuse that he will not meet this note, except upon its presentation. Such a reason is unjust and should not be used as a means to deprive him of a sum of money rightfully belonging to him, in accordance with the maker's own note. The plaintiff is willing to give the defendant a receipt, executed in due form, rendering the original null and void, and since it was payable to Turiac's order only, and was never transferred to anyone else, Bouker is protected from the danger of (paying twice), because when he will have paid in full the transaction will be ended by a receipt which he has already promised to give, cancelling the note. Therefore, he prays the Court to order his opponent to swear and declare whether he owes the amount claimed and has, or has not, paid the plaintiff, or any other person, and done, if his deposition conforms to what he has set forth, condemn Mr. Bouker to settle for the full amount of his note, subject to the receipt already mentioned, drawn up in any way that may be considered suitable. This payment must be made in justice to him, because of the valid reasons he has given above, and as a result of Mr. Camus' declaration. To this end he prays for a favorable judgment. The Court rules: Let Mr. Bouker swear and declare to the contents of the foregoing request, the taking of his deposition to be entrusted to the Escribano, and done deliver it to this party. The record ends here. This decision is signed by Juan del Postigo alone; Governor Miro's signature does not appear.

March 21.

Succession of Santiago Lemelle. Inventory and appraisement of the estate.

No. 3309. 165 pp.

Court of Alcalde Francisco Maria de Reggio.

Assessor, Juan del Postigo. Escribano, Fernando Rodriguez.

The record opens with the formal announcement of the death of Santiago Lemelle. It reads: In the city of New Orleans, on the twenty first of March of the year one thousand seven hundred and eighty-four, Francisco Maria de Reggio, Regidor Perpetuo, Alferez Real and Senior Alcalde Ordinario of this city and its jurisdiction for His Majesty, said: That now, which is about eight o'clock at night of this day, he has been informed of Satiago Lemelle's

This elaborate case for the settlement of a succession affords to the student of legal history an excellent example of the legal procedure in such cases. After the death certificate is made out by the proper authority, the keys are collected, the will of the deceased is produced in Court and its contents noted. An attorney is appointed to represent the Testamentary Executor, a defender is appointed for the heirs and another for the legatees, after the property left by the deceased has been inventoried. Appraisers are then appointed, who place valuations on all the items of personal belongings, household and kitchen furniture and utensils, linens, real estate and slaves; they also inventory the private papers of the deceased. All property not specifically bequeathed in the will is then sold at public auction, after which the Testamentary Executor renders his account and sworn statement as to the value of the assets and liabilities of the succession. After this account has been duly approved by the Court and the costs of the case have been assessed and paid, the residue of the estate is partitioned among the several heirs and legatees.

For the student of the social history of Spanish Louisiana there appears the item that the deceased, although a bachelor, was apparently cohabiting with a free mulattress by whom he seems to have had several children. The exhibits produced in the case contain much valuable source material for the student of economic history of Spanish Louisiana, in the variety and value of the household and kitchen furniture and utensils, the personal belongings and household linens; the cost of household supplies and foodstuffs; the description of the buildings and their values; and the value of slaves, etc. The case drags out for over four years before it is finally closed.

death, who has left absent heirs, and for the security of his property remaining this act to begin the process is drawn up, by which sufficient commission is given to the present Escribano to collect the keys and give the death certificate, and when the abovesaid has been done, bring the records to the Court so that the rest of the necessary decrees may be rendered. Thus the Alcalde has determined, ordered and signed, to which the Escribano attests. (Signed) Francisco Maria de Reggio. Before Fernando Rodriguez.

Death Certificate.

In New Orleans, on the said day, month and year (March 21, 1784), the Escribano, in virtue of the command in the foregoing act, went to Santiago Lemelle's dwelling house, and having entered one of the rooms he saw Mr. Lemelle stretched out upon a bed, to all appearances dead, and as such preparations were being made for his funeral.

Collection of the Keys.

Immediately after, the Escribano, in virtue of the Commission conferred upon him, asked for the keys left by the deceased. Two were given to him by a negress, one of Mr. Lemelle's slaves. In testimony whereof he sets this down as a matter of record.

Order to file a copy of the will.

On March 22, 1784, Alcalde de Reggio rules: Considering that the late Santiago Lemelle executed a will before the present Escribano, let a copy be placed at the end of this entry, and done return the records to the Court so that a suitable decree may be rendered.

The will.

The testator states he is the son of Francisco Lemelle and Maria Luisa Maret, both dead. He was born in this city; his

father was a native of Paris and his mother of Germany. He gives and bequeaths to his brother, Francisco Lemelle, the sum of 3000 pesos, to be paid from the product of the sale of his property, as well as an armoire and its contents, now in his sleeping apartment, a writing desk, a large table, all new, and the one-half of his tablecloths and napkins. He wills to Agata and Maria Juana, called Tonton and Adelaida, children of Jacqueline, a free mulattress, a house on Royal Street, adjoined on one side by Mr. Dupre's property and on the other by Pedro Aragon's. The testator wills a negress, named Francisca, aged 35, to Jacqueline, and bequeaths to Agata, Maria Juana and Adelaida, a negress, named Eulalia. He further wills to Jacquelina, Agata, Maria Juana and Adelaida, 200 hard pesos, together with the other one-half of his tablecloths and napkins, the kitchen furniture, bed linen, bed, sofa, small household effects and his handkerchiefs. He gives and bequeaths his clothes to his brother, Francisco Lemelle. To his nephew, Santiago Braud (Breaud), he wills 200 pesos, besides all of his nautical instruments. He gives to his grand-nephews, sons of the said Santiago Breaud, who live in France and whose names he does not know, 300 pesos. He leaves to the Charity Hospital of this city, for th poor, 30 pesos. He declares it to be his will, under which he has made the donation to Jacquelina, Agata, Maria Juana and Adelaida, that the house and negresses will be for the use of Jacquelina, as well as her daughters, and cannot be sold nor alienated until after Jacquelina's death. He declares that his brother, Francisco Lemelle, owes him 432 pesos 6 reales, on a note and he makes him a donation of this debt. He declares himself to be a bachelor, therefore he has no legitimate heirs. He specifies that what he owes, or what is due him, must be paid and collected by his Executor. To Mr. Pain, Sr., he wills a barrel of wine and 2 barrels of flour, which he requests him to receive in remuneration for services rendered. In order to carry out the stipulations of his will, he appoints Francisco Blache his Testamentary Executor, so that at his death he can sell sufficient property to fulfill the requirements of this his last testament, and extends the time of executorship beyond the period of one year in case it may be necessary, recommending that he continue to advise Jacqueline, Agata, Maria Juana and Adelaida and show them how to increase their property. For the remainder of his estate, debts, rights and actions, he institutes and names as his universal heirs, the abovesaid Jacqueline, Agata, Maria Juana and Adelaida, so that at his death they may inherit with the benediction of God and his. He revokes and annuls all other wills, codicils, procurations and dispositions that he may have made before, either in writing or by word of mouth, so that they may be of no value, nor have credit, save this which he draws up in due and proper form as his last will and testament. This document is dated New Orleans, April 21, 1783. It was executed

before Fernando Rodriguez, in the presence of Guillermo Marre, Julien Vienne and Pedro Gonzales Villamil, witnesses.

Court orders the records of the case sent to the Executor.

After the copy of the will is probated, Alcalde Francisco Maria de Reggio decrees: Whereas, give the records of these proceedings to Francisco Blache, Testamentary Executor and Guardian of the estate of the late Santiago Lemelle, so that he may promote what is convenient to his rights.

The Executor asks to make an inventory and to appoint an Attorney to act for him.

On March 24, 1784, Francisco Blache petitions to say the above-said will has been delivered to him and that it is convenient to his rights to have an inventory and appraisement made of the property left by the deceased, so as to enable him to deliver to each one what should come to him. He further states that considering he does not understand judicial matters, he asks to name Pedro Bertonière his attorney until the settlement of this succession. Alferez de Reggio rules: To the main petition, proceed with the making of the inventory as requested; and to the secondary petition, as it is prayed. Let Pedro Bertonière be notified for his acceptation and the customary oath.

Pedro Bertonière accepts his appointment.

On the same day, Fernando Rodriguez notifies Pedro Bertonière, in person, of the foregoing decree, and he says he accepts and does accept and swears by God and the Cross, as the law requires, to proceed with the performance of the duties of his appointment, well and faithfully, according to his legal knowledge and understanding, and he signs, to all of which the Escribano attests.

Pedro Bertonière asks to appoint defenders for the heirs and legatees.

Pedro Bertonière then petitions, setting forth that there are no defenders for the persons named by the late Mr. Lemelle, in his will, as his heirs and legatees, therefore he prays to appoint Francisco Broutin and Felipe Guinault to represent their rights in these proceedings. Alferez de Reggio receives this petition, and on March 26, 1784, decrees: Whereas, let Francisco Broutin be named defender of Santiago Lemelle's heirs, and Felipe Guinault of his legatees. They must be notified for their acceptation and oath.

Francisco Broutin is notified and accepts his appointment.

In the city of New Orleans, on the said day, month and year, the Escribano notified Francisco Broutin, in person, of his appointment to act as defender of the Santiago Lemelle heirs, and he said he accepted and did accept and swore by God and the Cross to proceed well and faithfully. with the duties of his office, to which the Escribano attests.

Felipe Guinault is notified and accepts.

In the same manner Felipe Guinault was notified of his appointment to serve as the defender of the legatees, and he also accepts and qualifies.

Pedro Bertonière asks to name an appraiser.

Pedro Bertonière now states that the Court has already ordered an inventory and estimation made of the Lemelle estate, therefore he prays to have Adrian de la Place named as his appraiser. Alferez de Reggio rules: Let the appointment of appraiser that this party mentions be made. Mr. de la Place must be notified, so that he may accept and take oath in due form.

Adrian de la Place accepts his appointment.

On the same day, the Escribano notified Adrian de la Place of his appointment, and he said that he accepted and did accept and swore by God, Our Lord and a sign of the Cross, in conformity to law, to proceed with the estimation of the Lemelle estate, well and faithfully, according to the best of his knowledge and ability, and he signed, to which Rodriguez attests.

Bertonière asks to have Broutin name an appraiser.

Mr. Bertonière again petitions, this time averring that as the Court has named Francisco Broutin defender of the Lemelle heirs, he prays to have him ordered to appoint his appraiser to place a valuation on the property left by the deceased. Francisco Maria de Reggio orders the above request sent to Francisco Broutin.

Mr. Broutin names his appraiser.

Francisco Broutin answers, naming Andres Vakerny as his appraiser, and he asks to have this appointment approved by the Court. Alcalde de Reggio rules accordingly. Andres Vakerny is notified, accepts and qualifies.

Mr. Guinault asks to have the day set for the taking of the Inventory.

Felipe Guinault, defender named for the legatees of the late Santiago Lemelle, states that the Court has ordered an inventory and appraisement made of the Lemelle property, so he now prays the Alcalde to fix a day to begin these proceedings. Francisco Maria de Reggio rules: Let them proceed with the taking of the inventory of the Lemelle estate on the First day of April of the current year. All interested parties must be notified of this fact.

The Inventory

In the city of New Orleans, on April 1, 1784, Francisco Maria de Reggio went to the late Santiago Lemelle's house to begin the taking of the inventory and placing a valuation on the estate. The proceedings are carried out in the presence of Pedro Ber-

tonière, empowered to act for Francisco Blache, testamentary executor of the decedent; Francisco Broutin, representing the heirs; Felipe Guinault, named to defend the absent legatees; Adrian Jose de la Place and Andres Wackernie, appraisers; and Fernando Rodriguez, Escribano. The inventory and estimation is as follows:

Firstly, a walnut sideboard with a cupboard above.	40 pesos
In an armoire they found	426: 4 rs
A Treasury Certificate numbered 161, dated March 16, 1781, signed by Bernardo de Otero and Martin Navarro for	200:
Teasury Certificates Numbered 593 and 86, dated March 16, 1782, signed by the same two gentlemen.	100:
Treasury Certificate No. 773, dated December 3, 1781, signed as above for	18:
Certificate No. 869, dated January 18, 1782, signed by the same officials for	50:
Treasury Certificate No. 971, dated February 17, 1783, signed by the same two gentlemen for	248: 3
Treasury Certificate No. 681, dated October 14, 1781, signed by the same officials for	50:
Treasury Note No. 30419, dated April 12, 1782, signed by Messrs. Bernardo de Otero, Joseph Foucher and Martin Navarro	25:
An ornament for a writing desk and 3 copper locks valued at	4:
Two dozen and a half trimmed shirts valued at	90:
Thirteen handkerchiefs valued at	8:
Fifteen white linen and cotton vests	15:
Fourteen linen and cotton caps	4:
Eighteen pairs of summer trousers	20:
Ten pairs of linen drawers	8:
Three pairs of long trousers and three duck vests	9:
Sixteen vests and one vest for summer	25:
Three suits of clothes, two of cotton stuff, the other of coarse batiste, and one vest at	18:
Four woollen vests at	8:
Five pairs of woollen stockings and one pair of silk ones	4:
One blue great coat with gold braid at	25:
Two dress coats, one taffeta, the other black cotton velvet, one taffeta vest, all valued at	14:
One black velvet vest, in bad condition, six pairs of short silk and woolen trousers	13:
Two hats, one white, the other black, at	5:

One large telescope, with bad sight, one quadrant, at	6:
One octant, with a book on navigation	12:
Six coffee cups with saucers at	1: 4
One cotton curtain at	1: 4
A total amount of	1436: 7

As it was late, His Honor ordered these proceedings discontinued, to be resumed when convenient. Everything inventoried was placed in Francisco Blache's charge, who obligated himself to hold them at the disposition of this Tribunal and to show them promptly when ordered to do so. (Signed) Francisco Maria de Reggio; Francisco Broutin; Guinault. Before Fernando Rodriguez.

The inventory was continued on April 2nd, in the presence of the same officials.

Firstly, 20 napkins valued at	18 pesos
8 tablecloths and 2 curtains	16:
6 pairs of sheets at	30:
1 mahogany wardrobe	200:
3 razors	3:
1 mahogany table	30:
1 walnut table	4:
7 straw chairs	8:
1 pair of andirons, with shovel and tongs	5:
1 cypress cot, 3 mattresses, 2 made of wool and the other straw, with 1 woollen blanket, 1 quilt, 1 pillow, 1 mosquito bar and one sofa, all valued at	50:
1 copper clock in bad condition	4:
1 cypress cot.	3:
4 pounds of candle wax, 30 pounds of soap	5:
1 mosquito bar and 2 chests	8:
1 day-bed, 1 woollen mattress, 1 pillow, 1 blanket.	10:
1 demi-john full of wine	25:
1 barrel three-quarters full of salt	1: 4
15 small bottles of wine	4:
1 demi-john containing a little brandy	4:
1 necessary with 1 china night vessel	3:
1 box of soap	5:
2 empty trunks at	9:
24 table napkins and 9 handkerchiefs	14:
2 cotton caps, 2 pairs of thread stockings, 1 pair of silk	3:
1 mosquito bar	4:
4 compasses for navigation	8:
3 empty demi-johns	9:
38 bottles filled with wine	9:

3 half barrels of sour wine	36:	
43 empty bottles	5:	
14 plates, 2 dishes, and 2 soup-tureens	5:	
3 crystal salt-cellars, 1 wine cruet, 1 glass, 1 tin-plate pot, 2 tin-plate pitchers	4:	
1 medium-sized earthenware jar	8:	
2 china night vessels	1:	2
4 pots, 1 medium-sized	2:	4
2 tubs, 1 bucket, valued at	1:	4
1 mahogany writing desk	80:	
2 copper candlesticks at	2:	
4 cups	1:	
1 gold ear-spoon	2:	
6 spoons, 1 soup-ladle and 7 forks	50:	
7 knives in bad condition	1:	2
1 pair of pistols, 1 gold-headed cane, 1 pair of silver buckles with those for the bottom of the trousers, 1 buckle for cravats, 2 gold buttons, 2 pairs of silk stockings, that the deceased has given as a present to the said Blache in remuneration for his services as Executor. No value is placed on these articles. The amount of the inventory comes to	692:	4

At this point the proceeding is suspended to be resumed at some future date.

On the following day, April 3rd, in the presence of the same officials, they place a value on the slaves and real property.

Francisca, aged about 40 years, a laundress, valued at	350 pesos
Eulalia, about 25, in bad health, valued at	350:
1 lot of ground, after having been measured, was found to contain 31 feet 6 inches front by 150 depth, upon which a main house of wood and brick, covered with shingles, had been built, adjoined on one side by Pedro Aragon's property and on the other by Mr. Doudon's, valued at	2000:
The inventory is suspended for the present. The above said house and slaves amounts to	2700:

On April 19th the proceedings are resumed, with the same officials presiding. They then appraise a second piece of real property (a space is left blank for the measurements of the lot), upon which a main house has been built upon a brick foundation resting on beams, divided into rooms, with a gallery at the back and a store room in the court, in good

condition, built of wood and covered with shingles, adjoined on one side by Mr. Planchar's place and on the other by that of Mr. Doudon, valued at..... 2000

The inventory and appraisement is suspended for the present and resumed on April 20th, when they begin listing the papers.

Firstly, an invoice for the merchandise carried on Captain Rousseau's ship for the decedent's account, without date or signature, amounting to 4558 pesos 6 reales, marked as..... No. 1

A bill paid to one named Bowyer, the full amount for various kinds of merchandise, amounting to 106 pesos 1½ reales..... No. 2

A second remittance to Bowyer, of 314 pesos 3 reales, for several different kinds of merchandise that the deceased has made to him, dated September 29, 1781, signed by Bowyer. ..... No. 3

A bill paid by Mr. Lemelle to Mr. Arret, amounting to 121 pesos 6 reales, dated September 29, 1781, signed Arret. ..... No. 4

A bill paid by the deceased to Arret, for 284 pesos 6 reales, for several kinds of merchandise which he has bought from him, dated September 27, 1781, signed by Arret..... No. 5

A bill paid to Mr. Lonnoy by the decedent, the full amount for merchandise imported, which comes to 94 pesos 3 reales, dated September 28, 1781, signed by Lonnoy. ..... No. 6

A bill paid by the deceased to Mr. Rivet, for 352 pesos 7 reales, due for merchandise sold to him, dated August 7, 1781, signed by Rivet..... No. 7

A bill of 1513 pesos 1½ reales, paid by the deceased to Mr. Durand for the full amount due for merchandise, dated October 1, 1781, signed by Durand. No. 8

A note which shows that Santiago Lemelle's brother, Francisco Lemelle, owes him 432 pesos 6 reales, dated April 21, 1783, signed by the said Francisco Lemelle. ..... No. 9

A bill paid by the deceased to Mr. Cadieu, of 1329 pesos, the full amount due for merchandise, dated December 28, 1778, signed by Cadieu..... No. 10

An acknowledgment, signed by Francisco Blache, who says he has received a mulatto, named Juan, from the deceased to sell for the account of Mr. Le Moine (Moyne), Judge at Port au Prince, dated May 30, 1781. At the same time Mr. Blache declares that the said mulatto was sold to Governor Esteban Miro and that Juan B. Macarty paid the deceased for Mr. Miro's account, and that the said Macarty holds Mr. Lemelle's receipt. ..... No. 11

A receipt, signed by Mr. Cadieux, in favor of the deceased, for 66 pesos, dated January 10, 1779..... No. 12

A second receipt, signed by the said Cadieu, for 573 pesos 7 reales, dated January 9, 1779, in favor of the deceased. ..... No. 13

A written act of sale for the purchase of a negress and her 3 children, executed before the Notaries of the King at the Port of Jeremia, in favor of the deceased, by Juan Le Roy, on October 10, 1780..... No. 14

An account current of the deceased, with Mr. Cadieu, resident of Port au Prince, by which it appears that Mr. Lemelle owes a remainder of 300 pesos 4 reales. This sum seems to have been acknowledged by his note, dated February 10, 1781..... No. 15

A written Act of Sale, executed by the deceased in accordance with the Power of Attorney of Maria Nicolas Leduffe, resident of Martinique, in favor of Francisco Larche, for a house and lot in this city. By this act it appears that the purchaser must pay Mr. Lemelle 1000 pesos in wood and lumber..... No. 16

A receipt in favor of the deceased, signed by Captain Nicolas Rousseau, dated January 11, 1782, for 29 pesos 7 reales..... No. 17

The proceeding is now suspended and is resumed on April 21st.

A note in favor of the deceased, signed by Bautista Boutet, dated January 23, 1782, for 87 pesos 4 reales... No. 18

A note in favor of the deceased, for 50 pesos, signed by Honorato La Nobliere, dated October 24, 1783. ..... No. 19

Item, 9 pesos that La Nobliere owes the deceased for 2 measures of oil, according to his book of accounts.

Item, 13 hard pesos that the said La Nobliere owes the deceased for braid and gold buttons for a vest, as appears in his book of sales.

Item, an account, without signature, dated February 21, 1782, by which it appears that Francisco Grevembert owes Mr. Lemelle 18 pesos, for a settlement of accounts..... No. 20

A note, signed by one named Morancy, in favor of the deceased, for 6 pesos, without a date..... No. 21

A note, in favor of the deceased, signed by Cavellero de Bellegarde, dated July 1, 1780, for 200 pesos... No. 22

An account, signed by the deceased, dated June 16, 1782, by which it is evident that Mr. Trepagnier, Sr., owes him 20 pesos..... No. 23

George Heno's note, in favor of the deceased, dated February 21, 1782, according to which there is a remainder of 10 pesos still due on the said note..... No. 24

An account of the said George Heno, in favor of the deceased, dated February 2, 1782, by which it appears he owes a remainder of 61 pesos 7½ reales..... No. 25

A receipt, signed by one named Durant, a merchant of Guarico, France (French West Indies), by which it is evident that he received 349 pesos from the deceased. This receipt is dated October 5, 1781..... No. 26

Two receipts, signed in favor of the deceased, for 698 hard pesos, by Mr. Demonte and Juan Bautista Labarthe. Both dated July 19, 1781..... No. 27

A receipt, in favor of the deceased, given by Mrs. Brion, in the name of one called Jalabert of Port au Prince, for 2400 livres, dated October 18, 1782..... No. 28

An account by which it appears that Pedro Billamil (Villamil) owes the deceased 16 pesos 4 reales, for a box of candles. The said account is signed by Mr. Lemelle. ..... No. 29

The taking of the inventory is suspended and then resumed on April 22nd, in the presence of the same officials.

Firstly, according to the book of sales belonging to the deceased, it appears that Mrs. Augustin owes 88 pesos, for 2 casks of brandy which were sold to her on the 5th and 14th of November, 1782.

By the same book it is evident that Mr. Dumont owes the deceased 2½ pesos.

Item, an entry by which it appears Mr. Chape, tavern-keeper, owes the deceased 87 pesos 3½ reales, with a decree of the Court written at the end and signed by Pedro Duverger (de Verges) to pay this said amount. The decree is dated July 16, 1779. On the back of the said account is written: 24 pesos have already been paid, there remains 63 pesos 3½ reales still due ..... No. 30

An entry, dated September 10, 1782, without signature, by which it appears George Heno owes the deceased 17 pesos 2 reales, for a box of soap..... No. 31

A paper, by which the deceased declares he owes Mrs. Isbeck of Donkerque (Dunkirk) 100 pesos, as a final payment on some merchandise she has entrusted him to sell for her. He prays his executor to pay this amount to the bearer of the acknowledgment, or note, he made in her favor, signed Lemelle, and dated October 29, 1783.

In the same paper is another declaration, signed by the deceased, dated October 30, 1783, wherein he says he owes Mrs. Menard of Martinique 250 pesos. He prays his executor to pay this amount to the bearer of her bill.

In the same paper is another declaration, signed by the deceased, dated February 27, 1784, wherein he states he owes Mr. Gagnard of Guarico 60 pesos in money of the said Guarico, and 1 peso to Mrs. Hourand. No. 32

A note, signed by Manuel and Jacob Monsanto, for 102 pesos 4 reales, as a final payment on a certain sum due for boxes of soap that the deceased turned over to them to sell for his account..... No. 33

A receipt and a bill, signed by Messrs. Manuel and Jacob Monsanto, by which it appears they must give an account to this succession for 11 boxes of candles..... No. 34

A Power of Attorney, granted by the deceased to Phelipe Menard, a merchant of the Island of Martinique, so that he may prosecute a suit for Mr. Lemelle against Mr. Supervielle, a merchant there, dated April 7, 1778. ..... No. 35

A bill of lading for merchandise that made up the cargo of the brigantine Esperanza, amounting to 22,222 livres 2 sols, signed by Phelipe Menard, dated April 8, 1778 ..... No. 36

A statement of expenses and for the purchase of the brigantine Esperanza, amounting to 17,161 livres 18 sols, signed by the said Menard, dated as above..... No. 37

An account for the said Menard with the deceased, signed by the former, dated as above, for 43,644 livres 2 sols 5 deniers..... No. 38

A certified copy of the act of partnership between the said Felipe Menard and the deceased, drawn up before Notaries on the Island of Martinique, dated April 8, 1778..... No. 39

A book, consisting of 9 written pages, of the sale of the cargo of the brigantine Esperanza, amounting to 41,580 livres 15 sols 6 deniers, without signature..... No. 40

A recapitulation of the cargo of the Brigantine, amounting to 28,980 livres 15 sols 6 deniers, without signature ..... No. 41

An account of the sale made to Mr. Boyer, at Guarico, of the cargo of wood from the said Brigantine, with a statement of the expenses for navigating the said Brigantine, written on 3 sheets of paper..... No. 42

A listing of the cargo of the Esperanza, written on 3 sheets of paper, amounting to 21,428 livres 13 sols 6 deniers. ..... No. 43

A bill for the purchase of the Brigantine Araigne, and expenses for navigating it, signed by Juan Bautista Naclau, for Mr. Menard, amounting to 9882 livres 8 sols, dated April 8, 1778..... No. 44

The taking of the inventory is suspended, and all items entered are deposited with Francisco Blache who obligates him-

self to hold them at the disposition of this Tribunal and to manifest them promptly when ordered to do so. The proceeding is signed by Alcalde de Reggio, Francisco Broutin, Guinault, and attested to before Fernando Rodriguez.

The Court decides to discontinue the inventory of the papers.

On April 26, 1784, Francisco Maria de Reggio went to the late Santiago Lemelle's home to continue the inventory of the papers, in the presence of Pedro Bertonière, attorney for Francisco Blache, testamentary executor; Francisco Broutin, representing the Lemelle heirs; Felipe Guinault, defender named for the legatees; and His Honor said that considering they had spent 3 days examining a great quantity of papers which were found to be worthless, he suspended the proceeding and turned everything over to Francisco Blache, who promised to hold the Lemelle estate at the disposition of this Tribunal, subject to its orders. Signed by the abovementioned officials.

Guinault asks to have the Executor state whether Lemelle left any other property.

Felipe Guinault petitions saying that having inventoried the estate exhibited by Francisco Blache, he prays to have the latter ordered to swear and declare whether he knows of any other property belonging to the deceased Lemelle, and done deliver his deposition to the petitioner for purposes that may be suitable. Alcalde de Reggio rules: Let Francisco Blache swear and declare, as requested, the taking of his deposition to be entrusted to the Escribano, which when made must be delivered to Felipe Guinault.

Francisco Blache's deposition.

In the city of New Orleans, on the said day, month and year (April 27, 1784), the Escribano, in virtue of the commission conferred upon him, received Francisco Blache's oath, under which he promised to tell the truth, and being examined upon the foregoing petition he said he did not know of any property other than what has already been inventoried, and if, in the future, anything else should be found, he will place it on manifest. (Signed) Francisco Blache.

Guinault asks to have the inventory approved.

Felipe Guinault again petitions, this time to ask the Court to approve the inventory and to order all parties to abide by it. The Alcalde sends this petition to the other interested parties.

Broutin also approves the inventory.

Francisco Broutin answers, averring that he has found the inventory correctly made and consents to its approval. Therefore, he prays the Court to approve it and to interpose its authority and judicial decree. Alferez de Reggio rules to send this petition to Mr. Blache.

Blache consents to the approval.

Francisco Blache then petitions to state that he has been given copies of the requests made by the other interested parties, asking the approval of the inventory, which he has examined carefully and finds correctly made. Therefore, he prays to have it approved and all parties ordered to abide by it. The Court receives this petition, and on April 30, 1784, decrees: Whereas, with the consent of the parties he approves the inventory and appraisement made of the property left by Francisco (Santiago) Lemelle at his death, and in consequence His Honor says he must condemn and does condemn the interested parties to abide by it.

Broutin asks to put his clients into possession of their legacies.

Francisco Broutin, defender of Agatha, Maria Juana and Adelaida, free mulattresses, legitimate daughters of Jaquelina, a free mulattress, sole and universal heirs of the late Santiago Lemelle, in the proceedings to settle his estate, says: That by the will of the deceased, his clients were left a house in this city, on Royal Street, adjoined on one side by Mr. Dupre's place and on the other by Pedro Aragon's property; a negress named Francisca, aged 35, and another, Eulalia; one-half of his tablecloths and napkins; all of the kitchen furnishings; his bed and bedding; his lounge; and the rest of the small furniture in his dwelling house; all of his handkerchiefs; besides 200 hard pesos; therefore, he prays the Court to order Francisco Blache, testamentary executor, to turn over to him the said sum of money and to put his clients into possession of everything mentioned in this petition, in accordance to the said will. Alcalde de Reggio orders this petition sent to Mr. Blache.

Blache consents to put the legatees into possession of their bequests.

The Testamentary Executor answers to the effect that he will promptly comply with the request made by the legatees, therefore he prays the Court to determine what will be in conformity to justice. Francisco Maria de Reggio orders the above sent to Felipe Guinault.

Guinault also consents to the payment of the legacies.

Felipe Guinault answers the above petition, saying the demand seems just and in conformity to law, therefore he offers no objections to placing the heirs in possession of the part of the Lemelle estate that comes to them. He also prays the Court to order delivered to the other legatees all that has been bequeathed to them by the will of the deceased, the part remaining, that belongs to the absent heirs, to be placed in Francisco Blache's hands, who will be responsible for same until such time as its delivery may be made to the legitimate parties. Alcalde de Reggio receives this petition, and on May 4, 1784, decrees: Whereas, with the consent of the interested

parties, let Francisco Lemelle be notified of what belongs to him as his share of the legacy, the Testamentary Executor and Guardian of the estate to do the same to the other legatees, both present and absent, each one of them to give a receipt for the amount he will receive.

Francisco Lemelle asks to be put into possession of his legacy.

Francisco Lemelle says that his late brother, Santiago Lemelle, by a clause in his will, bequeathed him some furniture, effects and a certain sum of money, therefore may it please the Court to order Francisco Blache to put him into possession of his legacies, and he will promptly give the necessary security. Francisco Maria de Reggio rules: He has rendered a decision in this hearing.

Broutin asks to have the remainder of the estate sold.

Francisco Broutin petitions, averring that as the inventory has been approved, may it please the Court to order the sale of Mr. Lemelle's dwelling house for cash, and also the other effects that have not been given away, or bequeathed by will, decreeing that they be publicly called for sale as the law requires. Alcalde de Reggio rules to send this petition to Francisco Blache.

Blache agrees to the sale.

Francisco Blache answers to say he has been given a copy of the petition made by the defender of the legatees, by which he requests the sale of the effects belonging to this succession for cash. He offers no objections to this demand, therefore may it please the Court to order as it has been prayed. The Alcalde rules to send the above to Felipe Guinault.

Guinault also agrees to the sale.

Mr. Guinault answers, saying he agrees to the sale of the Lemelle property for cash, so as to deliver to each one what comes to him. The Court receives the above, and on May 10, 1784, decrees: With the consent of the parties, let them proceed with the sale of all the property left by Santiago Lemelle.

Guinault asks to have the Public Calls made for the sale.

Felipe Guinault presents a second petition, this time setting forth that they have been ordered to proceed with the sale of the Lemelle property for cash, but considering that up to now no public calls have been made, he prays the Court to decree that these calls be made in the customary way. Alferez de Reggio rules: Let the public calls be made according to the requirements of law.

The Public Calls for the Sale.

The calls are made May 11, 12 and 31, respectively, at the doors of the Escribano's Office, by the voice of the Public Town Crier.

Broutin asks to have the day set aside for the sale.

Francisco Broutin now states that the Court has ordered the house and other effects sold, that were not bequeathed, and that the public calls have been made, therefore he prays to have a day set aside for the sale. Alcalde de Reggio names the following day, June 3rd, for the auction of the property left by Santiago Lemelle. Let all interested parties be notified.

The Sale.

The sale begins on June 3, 1784, in the presence of Alcalde Francisco Maria de Reggio, who was standing in the customary place for holding public auctions. Pedro Bertonière, Attorney for Francisco Blache, Testamentary Executor for Santiago Lemelle; Francisco Broutin, representing the heirs; Felipe Guinault, defender of the legatees, were also present. His Honor ordered the house, buildings and lots on Royal Street, together with other effects left by the deceased, cried by the voice of the town crier. The bell rang for 12 o'clock without any offer having been made.

On June 4, 1784, the house is again publicly called for sale, in the presence of the same officials, under the same conditions and with the same result.

The auction sale of the house is resumed on June 5, 1784. The same routine is followed, and the house is again offered to the highest bidder. It is described as built of wood and brick, covered with shingles, on a lot measuring 50 feet front by 120 deep. Juan Bautista Orso bids 4000 cash, Antonio Boudousquie 4100, Joseph Montegut calls 4300, Pedro Doudon raises the bid to 4500, and Joseph Montegut comes back with an offer of 4600. Antonio Boudousquie calls 4800, Pedro Doudon bids 4900, Joseph Montegut then makes the highest and last bid of 4955 pesos cash. Three casks of white wine are put up for sale and bid in by Donato Bello at 35 pesos cash. This proved the only offer and the wine was adjudicated to him.

Francisco Broutin calls for the Account and Sworn Statement.

Francisco Broutin petitions, setting forth that all property has been sold, therefore he prays to have Francisco Blache ordered to draw up the account and sworn statement of his administration of the Lemelle Succession. Alferez de Reggio rules: As it is prayed.

The Account and Sworn Statement.

Francisco B l a c h e files 21 vouchers prior to making his Account and Sworn Statement:

No. 1. Bill for funeral expenses. Itemized it reads: Statement for the interment of the late Mr. Lemel.

For Mass.	5:	
For interment	3:	2
For 3 Priests.	4:	4
For 4 Singers	7:	
For 5 Acolytes	1:	
For the Swiss Guard and the Sacristan	2:	
For the Cope.	2:	4
For the Cross and Candle-Holders	2:	
For the Bells	3:	
For the Grave.	1:	
For the Censer.		4
For 3 Masses for the soul of the deceased	3:	
For the black Altar Cloth	2:	
For the Pall	1:	
For the wax candles for the Church	10:	
For Night Office.	4:	4
Pesos	53	6 reales

(Signed) Guillemard.
New Orleans, March 21, 1784.
(Signed) Fr. Antonio de Sedella.

No. 2. March 22, 1784 Mr. Lemelle's Succession owes Durel, namely:

48 Wax candles at 3 reales	18 P.	
5 Pairs of men's gloves at 4 rs	2	4 R.
	20 P.	4 R.

Let this bill be paid.
(Signed) de Reggio.

Received 20 pesos 4 reales from Francisco Blache, Testamentary Executor, New Orleans April 18, 1784.
(Signed) Durel.

No. 3. I have received 2 piastres from Mr. Blache for delivering the funeral notices of the late Jacques Lemelle, who died this 21st of March. Paid March 22, 1784.
(Signed) Jean Durand.
Beadle of the Church.

No. 4. Mr. Blache paid 4 piastres to Andres Montone for having shaved Mr. Lemelle, for 2 months, at the rate of 2 pesos a month, as he has been ordered to do. He must keep the present receipt, which he will use in drawing up the account of the property of the succession of which he is Testamentary Executor. April 1, 1784. (Signed) de Reggio.

Vouchers from 5 to 14 inclusive are receipts signed by Lemelle, each for 3 escalins for milk (paid to Mrs. Dupre.)

No. 15. Mr. Lemelle owes Mr. Dubertrand, as follows, namely:

Lent him		6 R.
2 Soup-tureens at 1 peso 4 reales each	3 P.	
2 Chamber pots at 1 peso 4 reales each	3	
1 the same, small, at		6
4 lbs. of coffee, at 2 escalins	1	
6 lbs. of sugar at	1	1
2 Chamber pots at 1 p. 4 (6?) Rs.	3	4
1 Salad Bowl.		6
1 dozen goblets at	2	
2 lbs. of prunes at 3 escalins		4
1 Soup-tureen at.	1	4
1 ell of sail cloth	1	4
2 Salad bowls at	2	
2 oval dishes at	1	
	21 P.	3 Rs.

Paid, New Orleans, March 25, 1784. (Signed) Dubertrand.

Deducting 15 piastres 2 escalins from the above account, for a box of candles, due the deceased by Mr. Dubertrand, 6 piastres remain that Mr. Blache must pay. (Signed) de Reggio.

No. 16. A receipt signed by Mr. St. Anne, for 9 piastres he received from Mr. Blache, which the late Mr. Lemelle owed him for a case of wine. New Orleans, May 1, 1784. (Signed) St. Anne.

No. 17. Mr. Lemelle owes Mr. Pierre Villeure for the cargo of the ship, La Vanturie.

1 flask of brandy	6
3 hams at 3 pesos	9
22 ells of serge at 1½ ps. an ell	33
Total	48

I certify that the present account is correct. April 10, 1784.
(Signed) Pierre Villeur.

If Mr. Blache knows this account to be correct, there is no reason to defer payment. (Signed) de Reggio.

Written across the back is a statement made by Agathe Lemelle to the effect that she knows of the merchandise shipped to the city. And below: Paid by Mr. Blache, New Orleans, May 2, 1784. (Signed) Pierre Villeure.

No. 18. I received 64 piastres 6 escalins from Mr. Blache for different remedies furnished Mr. Lemelle, according to the account I produced in Court. New Orleans, April 21, 1784.
(Signed) Robert Dow.

No. 19. Mr. Lemelle owes for the following items because they were delivered to his daughter, Agatte, namely:

15	ells of ticking at 4½ escalins an ell	8 .. 3 ..	½
4	skeins of thread from Rennes, Brittany, at	1	
12	pairs of wristbands for shirts at 1 es	1 .. 4	
6	drinking glasses at	1 .. 4	
1	large soup tureen	1 .. 4	
2	ells of woollen cloth at 6 escalins	2 .. 4	
		15 .. 4 ..	½

Paid, New Orleans, April 17, 1784. Pierre Labat.
Let this be paid by the Testamentary Executor.
(Signed) de Reggio.

No. 20. Received 30 hard pesos from Mr. Bertonière, as an alms that the decedent left to the Hospital, for the poor of this city, in testimony whereof he gives the present in New Orleans, May 24, 1784.
(Signed) Father Antonio de Sedella.

No. 21. I pray Mr. Blache to pay Mr. Jerome 60 piastres for 2 barrels of wine that he has delivered to me (Pain), for Lemelle's account. New Orleans, April 24, 1784. (Signed) Pain.

I pray Mr. Bertonière to pay 60 piastres, for the amount of the above order that is carried upon the account of the succession of the late Mr. Lemelle. New Orleans, September 14, 1784. (Signed) Blache.

Written across the back: Received from Mr. Bertonière, for Geronimo La Chiapella, the amount mentioned on the other side of this paper. (Signed) Dominique Romain.

No. 22. Mr. Lemelle owes Paillet for 4 quarters of flour at 18 piastres a quarter, 72 pesos. Paid June 4, 1784. (Signed) Paillet.

No. 23. Received 10 piastres from Mr. Bertonière, on account, for a debt against the Lemelle Succession. New Orleans, May 26, 1784. (Signed) Gilberto Guillemard.

No. 23. Mr. Lemelle owes Monsanto Brothers:

1783				
March	4	dozen articles	8 P.	
	8	dishes	3	
	2	pitchers	2	
	1	dish and 1 ladle	1	2
	2	water jars		5
	9	Flasks of brandy	9	
	9	the same to Jacquelina	9	
	7	colored linen handkerchiefs for Miss Agatha	7	

Sept.	1½ ells of brown stuff		1 7
	4 ells of Rouan linen		4
	3½ ells of calico		5 2
	3 ells of cottonade		2 2
	2 handkerchiefs		1 1
	6 ells of dull linen		3
	4 ells of ribbon		2
	1 pair of woollen stockings		1 4
Oct.	1½ ells of flannel to Miss Agate		1 6
	3½ ells of cottonade		2 5
	2½ ells of calico		3 6
	2½ ells of coarse carpet to Mr. Guilmar		8 6
	1 pair of silk bandages		 4
	6 ells of cottonade		4 4
	1½ ells of blue stuff		1 4
	1½ ells of white flannel		1 7
			86 1
	Amount carried over from the other side		86 1
Nov.	1½ ells of white flannel		1 6
	4½ ells of Rouan linen		4 4
	3 ells of cottonade		2 2
	1¼ ells of brown stuff		1 4
8 Dec.	3 ells of linen		1 4
	Sent by Mr. Birot in money		119 3
1784			
4 Jan.	3 ells of linen for the negroes		1 4
	1 box of tea		1 6
			220 2
	6 handkerchiefs delivered to Miss Agatha		18
			238 2
	6 boxes of candles, 298 lbs., at 2½	93 . . 1	
	6 boxes, the same, 233 lbs., at 2½	72 . . 6½	
		165 . . 7½	
	A note of a balance due for soap	102 . . 4	268 . . 3½
		268 . . 3½	
	Due for a balance		30 . . 1
	Due for Miss Agatha		10 . . 4
	Messrs. Monsanto owe		19 . . 5

A note for 19 piastres 5 escalins which we will pay to Mr. Lemelle's Executors. New Orleans, January 18, 1785.

(Signed) Monsanto Brothers.

No. 24. A certified copy of a Notarial Act, dated May 5, 1784, by which Francisco Lemelle, a resident of Attakapas, acknowledges to have received from Pedro Bertonière, acting for Francisco Blache, absent on affairs of the Royal Service, Testamentary Executor of Santiago Lemelle, all the legacies left him by his late brother, which consist of 3000 pesos, 1 armoire and its contents, 1 writing desk, 1 big table, one-half of his tablecloths and napkins, all of his clothes, and a note for 432 pesos 6 reales which he has signed in his deceased brother's favor. He acknowledges to have received the money, furniture, effects and note, and because delivery is not made now, he renounces the exception of non numerata pecunia and laws for delivery of things not seen, and grants a formal receipt to Pedro Bertonière and relieves him of any further responsibility in the matter.

The Account and Sworn statement of the Lemelle estate.

Francisco Blache draws up his account and sworn statement. Under Credit he enters all assets mentioned in the inventory and what is realized from the sale of the property, amounting to 10,551 pesos 4½ reales. The Debit includes the 21 vouchers filed above, totaling 8737 pesos 3½ reales.

Recapitulation

Assets	10551 . . 4½
Charges and deductions	8737 . . 3½
Remainder	1814 . . 1

Blache prays to have the interested parties accept his accounting.

Francisco Blache, in a petition, states that in fulfillment of the foregoing decree, he duly presents his account and sworn statement of the Lemelle estate, with all the documents to prove the Debit of this said account. He prays the Court to order all parties to abide by it. Alferez de Reggio orders Blache's account and sworn statement sent to the defender of the absent heirs.

Broutin contests the Blache Statement.

Francisco Broutin contests the above accounting and draws up his own table. He approves most of the amounts entered in the assets, but finds errors in two items, making a difference of 12 pesos in favor of the estate. His Credit reads: 10,563 pesos 4½ reales. There is also a slight difference in the Debit. Mr. Broutin's computation makes it 9033 pesos 5½ reales. His figures are:

Recapitulation

Assets	10563 . . 4½
Charges and deductions	9033 . . 5½
Remainder	1529 . . 7

A note stipulates that it will be necessary to deduct the full amount of the costs of this proceeding from the last amount.

Broutin asks the Court to approve his accounting.

Francisco Broutin then petitions, setting forth that he duly presents his contestation of Francisco Blache's Account and Sworn Statement, which he prays the Alcalde to approve and order all parties to abide by, and to this effect to interpose his authority and judicial decree. Alferez de Reggio receives this petition and accounting, and on December 28, 1784, decrees: Whereas, with the consent of the parties, he approves the Account and Sworn Statement presented by Francisco Blache, and in consequence he orders all to abide by it.

Broutin asks for a taxation of costs.

Broutin now petitions, saying that considering the proceeding is finished, he prays to have a taxation made of the costs of the case, to be paid by Francisco Blache. The Court rules: As it is prayed. Luis Lioteau must accept and take oath because he is entrusted with the drawing up of the taxation of costs.

Taxation.

Luis Lioteau is notified and on April 26, 1785, taxes costs at 213 pesos 5 reales.

Blache asks for the partition of the estate.

Francisco Blache then asks to have the document drawn up for the partition of the Lemelle estate. Francisco Maria de Reggio rules: Let Luis Lioteau, Judicial Accountant, execute the act of partition, as requested.

The Partition.

On June 8, 1784, Luis Lioteau draws up the schedule for partition of the Lemelle estate among the free mulattress Jacqueline and her quadroon daughters, Agueda, Maria Juana called Tonton, and Adelaida, after having seen and examined the Inventory, Account and Sworn Statement, Will and other official documents, as well as the law suits that have been prosecuted and judgments rendered against the succession, he enters, in the body of the estate, all items included in Francisco Blache's statement, amounting to 10,563 pesos 4½ reales, and for the liquidation of the partible estate he places the various items included in the same accounting. From the Body of the said estate he deducts costs, legacies to the children of the late Dionisio Braud, nephews of Santiago Lemelle. The amount of

these items comes to 9199 pesos 7½ reales, which subtracted from 10,563 pesos 4½ reales leaves 1367 pesos 5 reales to be divided among the 4 residuary legatees, Jacquelina and her three daughters, each one receiving 341 pesos 7 reales 8 maravedis. Luis Lioteau certifies that he has made this partition, save errors and omissions, well and faithfully, according to his knowledge and understanding, and without injury to the parties.

A first note stipulates: By legacy the deceased left his heirs one half of his tablecloths and napkins, the contents of his kitchen, bed clothes, lounge, and the remainder of the furnishings of his house, together with all his handkerchiefs as mentioned in clause 7 of his will, which further states that the one-fourth of these articles belong to Jacquelina.

A second note reads: Just as soon as Monsanto Brothers make a settlement for the 11 boxes of soap which the deceased delivered to them to be sold for his account, this money will be divided among the four heirs named above, in conformity to the tenor of the said partition.

Lioteau asks to be paid for his work.

Luis Lioteau petitions to say that in his capacity as Judicial Accountant he has drawn up the formula for the partition of the Lemelle estate among the heirs named in the will, and whereas this task has been very laborious as appears from the records of the succession, may it please the Court to order the Escribano to adjust his claim and that he be paid from the estate of the deceased by his Testamentary Executor. Alcalde de Reggio rules: As it is prayed.

Broutin asks to be paid for his labors.

Francisco Broutin sets forth that in the taxation of the costs they have forgotten to include the 50 pesos he entered in the debit for his work of drawing up the contestation of the Account and Sworn Statement, presented by the Testamentary Executor of the estate, on page 126, written on 19 sheets of paper, also for the comprobation of the inventory, together with the sale, the examination of the will, and the 25 documents presented by the Testamentary Executor, besides the examination of the records of the Concursus of Creditors. Therefore he prays the Court to order the said Executor to pay his claim. There is no ruling to this petition.

The Lemelle heirs ask for the remainder of their inheritance.

Agata, Juana, Francisca (Jacquelina ?) and Maria Adelayde Lemelle, heirs of Santiago Lemelle, say that a partition has been made of the latter's estate and the remainder apportioned among them in equal parts. Therefore, considering they are emancipated and need the shares that come to them to carry on their work, they pray to have Francisco Blache deliver this money to

them subject to their receipts. (Signed) Agathe Lemelle; Tonton Lemelle; Adelaide Lemelle. Alcalde Pedro Chabert, on Juan del Postigo's advice, rules: Send this petition to the Testamentary Executor.

Blache will pay these last legacies when ordered to do so.

Francisco Blache answers the foregoing petition, saying he will do as requested whenever he is ordered by a competent Judge to pay these legacies, subject to a corresponding receipt for his discharge. Alcalde Chabert, on Assessor Postigo's advice, receives this petition, and later Postigo alone decrees: Whereas, notify Francisco Blache to deliver to these parties the product of the Santiago Lemelle succession, just as soon as they have been emancipated. The interested parties must draw up the corresponding receipt for the discharge of the Executor when this money will have been paid.

Agueda Lemelle asks for the records of the case.

Agueda Lemelle, a free quadroon, petitions to say that she is one of Santiago Lemelle's heirs, as may be proven by his will, and now needs to have the records of the succession in her possession to enable her to make an exact statement of what is still due the estate according to the obligations inventoried, so as to present them against the debtors and make collections and at the same time to settle definitively with her sisters, who are also heirs of the deceased. Therefore, she prays the Court to order the present Escribano to deliver these said records to her. On July 28, 1788, Alcalde Joseph Foucher, on Juan del Postigo's advice, rules: Let the records be delivered to her, to be kept for a period of 8 days. The case ends here.

March 22.

Incident.

Alexo Reau(d) vs. Nicolas Pertuit's Succession, to collect a debt.

No. 132. 3 pp.

Court of Assessor Juan del Postigo.

No Assessor, since he is acting Judge.

Escribano, Rafael Perdomo.

The first entry is a bill dated November 22, 1783, to the effect that Mr. Pertuit, a baker, owes (Mr. Reaud) 112 pesos, freight charges for 8 barrels of flour, at 14 pesos a barrel, carried on the Victory. At a later date this bill is receipted by Reaud.

The plaintiff presents this bill and sets forth that it is evident from the above that Nicolas Pertuit owes him 112 pesos for a portion of flour delivered to him. This transaction is known to Mrs. Pertuit. Therefore, he prays the Court to order her, as guardian of her late husband's estate, to pay this amount, subject to the corresponding receipt. Juan del

This suit to collect a debt due by a succession presents the interesting feature of being tried in the Court of the Assessor, instead of in that of the Governor, the Intendant, or one of the Alcaldes. This procedure was due to the fact that the deceased was in the army, and such cases were tried before the Assessor General and Auditor of War for the province.

Postigo, acting as Judge because Mr. Pertuit was in the Army, rules: Send the foregoing petition to Mariana Durocher, widow of Nicolas Pertuit.

Mariana Durocher answers, saying she offers no objections to the payment of this debt. Therefore, she prays that it be ordered paid in accordance with the conditions stipulated above. The Court rules: Let this debt be paid to Alexo Reau(d) by Mariana Durocher, widow of Nicolas Pertuit, tutrix to his minor children, from the produce of the estate, for which she must receive a formal quittance for her security.

[**Note:** The dates in this record do not tally. Mr. Reaud's petition is dated March 22, 1784; the ruling to it, January 28, 1784; Mrs. Pertuit's answer, January 30, 1784; and the decree following is also January 30, 1784. This proceeding is an Incident. See Succession of Nicolas Pertuit, January 19, 1784.—L. L. P.]

March 29.

Pedro Surget vs. Margarita Voix, a free negress, to collect a debt.

No. 3288. 5 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

The first entry is Pierre Surget's bill, dated March 13, 1784, and reads:

Margueritte Voix, a free negress, owes to Surget, as follows, namely:

1774—March 13th	
2 pieces of handkerchief cloth at 50 livres a piece..	100
1 ditto	45
1 piece of calico.....	70
Livres	215

I certify the present account is correct and in conformity to the statement made this day. New Orleans, March 27, 1784.

(Signed) Surget.

This suit, brought to collect a debt contracted by a free negress for merchandise purchased by her, contains nothing of interest except the prices at which the commodities listed in the bill were sold.

Pierre Surget petitions, saying it is evident from the above bill that since the year 1774, Margarita Voix, a free negress, has owed him 43 pesos (215 livres), and although he has reminded her several times to pay he has not been able to obtain his money. Therefore, he prays to have her verify this debt, and done deliver her deposition to him. Alcalde de Reggio rules: The bill that this party mentions, having been presented, let the defendant swear, declare and acknowledge the contents of

the account rendered, the taking of her deposition to be entrusted to the Escribano, and done deliver it to the plaintiff.

In the city of New Orleans, on March 29, 1784, the Escribano, in virtue of the commission conferred upon him, received Marguerita Voix's oath made by God, Our Lord and a Sign of the Cross, in conformity to Law, under charge of which she promised to tell the truth, and upon placing before her the paper presented on page 1, she said it is true that she owes the amount stipulated in the bill. This is the truth in accordance with the oath she has taken. She is 45 years of age, and she did not sign because she said she did not know how to write. Fernando Rodriguez attests to this declaration, and signs.

In a second petition, Pedro Surget sets forth that by her deposition Margarita Voix has acknowledged she owes the amount stated, therefore he prays for a Writ of Execution against her person and estate for 43 pesos, the one-tenth of this sum and costs. Alcalde de Reggio receives this petition, and on April 1, 1784, decrees: Issue a Writ of Execution in favor of Pedro Surget, against Margarita Voix, as he has prayed.

A marginal note stipulates that the Writ has been issued and delivered to the party, to which Rodriguez attests.

The record ends here. There is nothing entered to indicate that the writ was ever served.

March 30.

Pedro Guillermo Sejourne vs. Honorato De La Noblier.

No. 3291. 3 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

This suit, brought to enforce the settlement of accounts, contains nothing of particular interest except in the prices at which certain drygoods sold in New Orleans at that date, and also the sizes and description of building timbers used at that period.

The plaintiff presents two exhibits. The first is a bill dated January 27, 1784, which reads:

Mr. La Nobliere owes the ship, "The Father of a Family."

Namely:

12 pairs of thread stockings—Pesos	14
2 pieces of gingham at 12 pesos each	24
1 piece of extra fine cotton cloth No. 11432—24 ells—at 10 escalins	30
6 silk handkerchiefs at 11 P. a dozen	5: ½
1 piece of camlet of prime quality No. 5676—23 ells at 14 escalins	40:2
Piastres	113:6

I certify that the present invoice is correct. New Orleans, March 27, 1784.

(Signed) Pierre Guillermo Sejourne.

The second exhibit reads: Statement of the building timber, squared by the axe, for Mr. Sejourne's account, to be ready for delivery during the first 15 days of March, at the latest, for his ship, "The Father of a Family." Namely:

40 pieces	9 feet long	by 6 by 7	inches breadth and thickness
30 pieces	24 feet	8 by 9	
30 pieces	24 feet	7 by 8	
50 pieces	22 feet	6 by 7	
50 pieces	20 feet	7 by 8	— and 6 by 7
20 pieces	16 feet	6 by 7	
20 pieces	16 feet	5 by 6	
20 pieces	18 feet	7 by 8	
20 pieces	18 feet	5 by 6	

280 pieces in all from seed grown trees, well squared by the axe.

I, the undersigned, promise to deliver to Mr. Sejourne, during the first fifteen days of March, the wood mentioned in the present statement, this wood to be good and marketable, squared by the axe, payable in merchandise. New Orleans, January 27, 1784.

(Signed) Lanobliere.

The plaintiff then petitions to say that it is evident from the accounts duly presented that he has advanced Honorato de la Nobliere de la Chaise 113 pesos 6 reales, on account for a cargo of wood he agreed to supply according to his statement. Considering that all his property has been seized, may it please the Court to order the defendant to deliver the cargo, or, failing to do this, to pay the amount he owes for merchandise. The Alcalde rules: The accounts mentioned having been presented, let them be sent with the petition to Mr. La Nobliere. The record ends here.

March 31.

Lorenzo Wiltz vs. The Succession of Santiago Lemelle. To collect a debt.

No. 3312. 12 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

The basis of this suit is a bill for 114 pesos 4 reales. Itemized, it is as follows:

Mr. Lemelle Sr. owes Mr. Wiltz, to wit:

For a remainder on an old account....	6 P.: 4 R.
1 lock bought from Mr. Marre and paid for by Mr. Wiltz	2
Whitewashing his small house twice....	6
For furnishing lime, lumber and	

Escribano Fernando Rodriguez.

This folio contains three separate suits.

nails, and for work done in the hold of the brig, amounting in all to.....100

114 P.: 4 R.

New Orleans, April 1, 1784.
(Signed) L. Wiltz.

This suit, brought to collect a debt contracted by one deceased for repairs to a house and for repairs on a ship, is interesting for the description of materials used in such work and the charge for that type of work at that period.

The plaintiff presents the above and reminds the Court that the late Santiago Lemelle owes him 114 pesos 4 reales for carpentry and masonry work done on his houses. He prays to have the Lemelle Succession pay the amount specified. Alcalde de Reggio decrees: The bill this party mentions, having been presented, let his petition be sent to the Testamentary Executor of the decedent.

Francisco Blache, Testamentary Executor, through his Attorney, Pedro Bertonière, answers, saying he has examined the bill rendered by Lorenzo Wiltz and finds it correct, therefore he offers no objections to the payment of it, and prays for a judgment in accordance with justice. The Court orders the above request sent to the defender of the legatees.

Phelipe Guinault, defender named for the legatees of the late Santiago Lemelle, answers to say that Lorenzo Wiltz's claim seems just to him, therefore he agrees to the payment of the amount he demands. Alferez de Reggio orders the above sent to the defender of the heirs.

Francisco Broutin, defender of the heirs of the late Santiago Lemelle, in answer to the petition delivered to him regarding Lorenzo Wiltz's demand to collect a bill, says he has examined it and knows of all the work he has done and consents to the payment of this debt. He must give a receipt, so as to make it evident that his claim has been settled. Alcalde de Reggio receives this petition, and on April 17, 1784, decrees: Whereas, with the consent of the parties, let Lorenzo Wiltz be paid the sum of 114 pesos 4 reales that the Santiago Lemelle Succession owes him. He must give a receipt for this said amount to safeguard the Executor.

The Receipt. In the city of New Orleans, on the nineteenth day of April of the year one thousand seven hundred and eighty-four, before the Escribano and undersigned witnesses, appeared Lorenzo Wiltz resident of this city, known to the Escribano. He acknowledges to have received from Francisco Blache, Testamentary Executor of Santiago Lemelle, the sum of 114 pesos 4 reales that the estate of the deceased owes him, and because delivery is not made now, he renounces the exception of non numerata pecunia and grants a formal receipt

in favor of the said Testamentary Executor, which he signs, the witnesses here present being Joseph Becat, Manuel Galvez and Adrian de la Place, residents of this city. This receipt is drawn up before Fernando Rodriguez, Notary Public.

The 2nd Suit

April 24.

Luis Boisdore and Juan Senac, Surgeons in partnership, vs. the Succession of Santiago Lemelle. To collect a debt.

No number; pages 7 to 13.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

This suit, brought by two surgeons to collect from a succession a bill for treatment of the deceased, contains interesting material on the medical practices of the period and the charges made for such services.

Doctors Boisdore and Senac present their itemized bill for services rendered, which reads:

June 1783. Mr. Lemelle owes J. Senac and L. Boisdore, Surgeons, as follows:

Namely:

	piastre
A purgative given Mr. Lemelle	1
For bleeding twice a day until July 1st, at 2 reales for each bleeding	10
For visits during this time	5
July 15. The bleedings begun again and continued until September 1st, twice a day, at 2 reales for each bleeding, 45 days	22 . . 4
For visits during this time, at 2 reales a day	10
For furnishing a portion of Cordial and Calomel each day, at 4 reales a day for 5 months	75
1784 Jan. Two portions a day furnished until March 7th, makes 2 months and 7 days, at 4 reales a portion	67
For bleeding twice a day during this period, at 2 reales a bleeding	33 . . 4
For visits, at 2 reales a day	16 . . 4
For treating 2 negresses and supplying them with medicines	8
For purging Mr. Lemelle 5 times during the course of the illness	5
Amount of the present bill — piastres	253 . . 4

New Orleans, April 10, 1784.

(Signed) L. Boisdore. Senac.

Luis Boisdore and Juan Senac then petition, averring that it is evident from the bill duly presented that the Lemelle Suc-

cession owes them 253 pesos 4 reales. They pray to have the Testamentary Executor ordered to pay them. Alferez de Reggio rules: Let this petition be sent to the Testamentary Executor.

Francisco Blache answers to say the claim is just, so he offers no objection to the payment of same and prays the Court to determine what may be in accordance with justice. Francisco Maria de Reggio rules: Send the above to the defender of the heirs.

Francisco Broutin answers to say that all of his clients know that this demand is legitimate, so he consents to the payment of it, provided the plaintiffs give a receipt to prove that this debt has been paid. The Court orders this petition sent to the defender of the legatees.

Phelipe Guinault answers to state that the debt is just, so he agrees with the other parties to pay it from the product of the estate of the deceased. Alcalde de Reggio receives this petition, and on May 4, 1784, decrees: Whereas, with the consent of the parties, let Luis Boisdore and Juan Senac be paid the sum of 253 pesos 4 reales that the Santiago Lemelle succession owes them. They must give a corresponding receipt to safeguard the Testamentary Executor.

The Receipt. In the city of New Orleans, on the fourth of May of the year one thousand seven hundred and eighty-four, before the undersigned Notary and witnesses appeared Juan Senac and Luis Boisdore, residents of this city, who acknowledge to have received 253 pesos 4 reales from Francisco Blache, Testamentary Executor of the late Santiago Lemelle, which the decedent's estate owed them, and because delivery is not made now they renounce the exception of non numerata pecunia and herewith draw up a formal receipt in favor of the said Executor, that they sign, the witnesses being Luis Lioteau, Manuel Galvez and Juan de Castenado, residents of this city, here present.

(Signed) L. Boisdore and J. Senac.
Before Fernando Rodriguez, Notary Public.

The 3rd Suit.

April 21.

Robert Dow, Surgeon, vs. the Succession of Santiago Lemelle. To collect a debt.

No number. 12 pp.

Court of Alcalde Francisco Maria de Reggio.

Statement for treatment and medicines furnished to the late Mr. Lemelle (and his) succession by Mr. Dow. Namely:

1782—July	Ps.	Rs.
Furnished to Agate's child one vial of an absorbent mixture of magnesia and rhubarb...	1	00
A bottle of water of Saturn furnished at the same time.		4

No Assessor.

Escribano, Fernando Rodriguez.

This suit, brought by a physician and surgeon for treatment of one deceased, contains much valuable information on the methods employed in medical practice at that date, the materia medica used, and the charges for such medical services.

	Furnished to Mr. Payne for the use of Mr. Lemelle:	
	2 ounces of quinquina.. 1 dram of camphor.....}	1 . . 00
	For swabbing his tongue—	
	A quantity of honey of roses and syrup of absinthe.	1 . . 00
	Idem—	
	For the same 12 doses of quinquina	3 . . 00
	An opiate of Theriac of Andromache, one ounce	1 . . 00
	For the same, one dose of Ipecacunha (ipecac)	4
	1 dose of rhubarb.....	4
	For the same, 12 doses of quinquina, repeated, at 2 escalins a dose.....	3 . . 00
	For swabbing his tongue, furnished to Mr. Paine:	
	A mixture of 2 ounces of honey of roses.....	1 . . 00
	2 ounces of syrup of absinthe.....	1 . . 00
	6½ ounces of quinquina.....	1 . . 00
1783 4th. Jan.	Furnished to the same for swabbing his tongue:	
	1 ounce of aloes.....	4
	1 ounce of myrrh.....	4
	1 dram of camphor.....	4
		16 . . 4
1783	Amount brought forward.....	16 . . 4
10th. Jan.	For 3 ounces of quinquina furnished to Mr. Payne for Mr. Lemelle's use.....	1 . . 4
12—	For 2 drams of ipecacuanha in the root.....	4
23—	For 1 dose of rhubarb.....	4
24—	Furnished to Mr. Payne for swabbing, a quantity of honey of roses and spirits of vitriol.....	1 . . 4
27—	For one ounce of Theriac of Andromache.....	1 . . 00
29—	Special visit to a negress and furnishing 3 doses of pills for obstruction and laxatives.....	1 . . 00
Jan. 14th	For having furnished to Mr. Lemelle for swabbing his tongue by Mr. Payne, the following:	
	2 ounces of quinquina.....	1 . . 00

	1 ounce of myrrh	.. 4
	1 dram of camphor	.. 4
	½ dram of salt of ammoniac	.. 2
	2 drams of spirits of vitriol	.. 2
	4 ounces of honey of roses	1 .. 00
	2 ounces of syrup of absinthe	1 .. 00
March 7th	For one dose of rhubarb and cream of tartar together	4
April 6th	Began to administer hemlock to him to-day.	
16—	Furnished 1 lb. of sasaparilla	2 .. 00
	1 vial of solution of mercury	1 .. 00
22	For a solution of mercury, repeated	1 .. 00
	For furnishing 1 lb. of conserve of (?)	4 .. 00
	Piastres	36 .. 4
	Amount brought forward	36 .. 4
1783 April	For continued visits from April 6th and for furnishing large hemlock pills.	
	For 1 opium pill repeated	4
	For 1 camphorated purge, furnished	1 .. 00
May	For visits always continued:	
	Furnished to Mr. Lemelle 1 dose of purgative	1 .. 00
	Continued to send the large hemlock pills.	
Idem	Furnished to Mr. Payne for swabbing his tongue:	
	1 ounce of Socotrine aloes	1 .. 00
	1 ounce of myrrh	4
	1 ounce of quinquina	4
	1 dram of camphor	4
	2 ounces of spirits of wine rectified	1 .. 00
	½ ounce of spirits of vitriol	4
	For the composition of the lotion furnished,	
	4 ounces of crushed quinia	1 .. 4
	2 drams of vitriol	1
	2 drams of alum	1
	For frequent visits paid during the beginning of his illness and consultations with Mr. Payne etc.	20 .. 00
		64 .. 6

New Orleans, April 16, 1784. (Signed) Robert Dow.

Robert Dow petitions to say it is evident from the bill duly presented that the Lemelle succession owes him 64 pesos 6 reales for medicines supplied him during his life. He prays the Court to order Francisco Blache, Testamentary Executor, to pay this said sum from the produce of the estate. Alferez de Reggio rules: The bill having been presented, as this party states, let this suit be filed with the records, and in due time a decree will be rendered.

The plaintiff presents a second petition, in which he says he has made a request to the Court to be paid a bill amounting to 64 pesos 6 reales and has been ordered to file his suit with the records of the Concursus of Creditors, and considering that the property of the Lemelle succession has been sold, he asks for a settlement from the proceeds of same. The Alcalde rules to send this petition to the Testamentary Executor.

Francisco Blache answers to say that he offers no objections to Dr. Dow's demand, therefore he consents to the payment of this bill from the funds belonging to the Lemelle succession. Francisco Maria de Reggio rules to send the above to the defender of the heirs.

Francisco Broutin consents to the payment of Dr. Dow's claim because he knows it is just. Alferez de Reggio rules: Send this petition to the defender of the legatees.

Felipe Guinault says Dr. Dow's request is just, so he agrees, with the other interested parties, to the payment of his bill. The Court receives this petition, and on June 14, 1784, decrees: Whereas, with the consent of the parties, let Robert Dow be paid the 64 pesos 6 reales the Santiago Lemelle estate owes him. He must give a corresponding receipt to safeguard the Testamentary Executor.

The receipt. In the city of New Orleans, on the seventh of June of the year one thousand seven hundred and eighty-four, before the Escribano and undersigned witnesses, appeared Robert Dow, who acknowledges to have received, from Francisco Blache, Testamentary Executor of the late Santiago Lemelle, the sum of 64 pesos 6 reales that the estate of the deceased owes him, and because delivery is not made now he renounces the exception of non numerata pecunia and draws up this formal receipt in favor of the Executor which he signs, the witnesses being Joseph Becat, Pedro Cowley and Manuel Galvez, residents of this city, here present.

Felipe Guinault then sets forth that these proceedings having been finished, he prays the Court to order all suits (against the Lemelle Succession) bound together in the same copy book, and this done have the costs taxed by the Public Taxer, who must first comply with all legal formalities. Alcalde de Reggio rules: As it is prayed. Let taxation be made by the Public Taxer, after he has accepted and taken oath as the law requires.

Luis Lioteau is notified. In the city of New Orleans, on the said day, month and year (September 15, 1784), the Escribano notified Luis Lioteau, in person, of the foregoing decree, and he said he accepted and did accept and swore by God, Our Lord and a Sign of the Cross, in conformity to law, to proceed with the taxation.

On September 16, 1784, Luis Lioteau taxes costs at 34 pesos 7 reales.

[**Note:** See Lemelle Succession March 21, 1784. Dr. Dow's receipt is Voucher No. 18. — L. L. P.]

(To be continued.)